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Letter dated 2 October 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan addressed to the President of the Security Council

I have the honour to transmit herewith the final report of the Panel of Experts as requested by the Security Council in paragraph 2 of resolution 1665 (2006) (see annex).

The attached report was presented to the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan on 26 September 2006, and was subsequently considered in the Committee on 29 September 2006 once the report had been translated in all languages. The report is being circulated for the information of the Members of the United Nations.

The Committee intends to speedily complete a thorough consideration of the recommendations contained in the report, after which I will present the Committee's views on the report to the Security Council.

I would therefore be grateful if the present letter and its annex were issued as a document of the Council.

(*Signed*) Adamantios Th. **Vassilakis**
Chairman
Security Council Committee established pursuant
to resolution 1591 (2005) concerning the Sudan

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Annex

Letter dated 31 August 2006 from the Panel of Experts addressed to the Chairman of the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan

On behalf of the members of the Panel of Experts established pursuant to Security Council resolution 1591 (2005) concerning the Sudan, I have the honour to transmit herewith the report of the Panel prepared in accordance with paragraph 2 of Security Council resolution 1665 (2006).

(*Signed*) Marc **Lavergne**
Coordinator
Panel of Experts on the Sudan established pursuant
to Security Council resolution 1591 (2005)

(*Signed*) Thomas **Bifwoli**
Expert member

(*Signed*) Debi Prasad **Dash**
Expert member

(*Signed*) Bernard Stuart **Saunders**
Expert member

Report of the Panel of Experts established pursuant to resolution 1591 (2005) concerning the Sudan prepared in accordance with paragraph 2 of resolution 1665 (2006)

Summary

Monitoring implementation of the arms embargo

On the basis of continuing research and information provided by reliable sources and its own observations, the Panel maintains that blatant violations of the arms embargo by all parties operating in Darfur continue unabated. Weapons, notably small arms, ammunition and military equipment, continue to enter the Darfur states from a number of countries and from the region of the Sudan. Since March 2006 the rebel forces collectively have shown a notable increase in capacity to engage the forces of the Government of the Sudan.

Findings to date show a definite cross-border delivery pattern from Chad into Northern and Western Darfur. As armed elements operating in Darfur, Chadian insurgents pose a significant threat to peace and security in Darfur and the region. They are contributing to the conflict by reportedly joining the Sudanese armed forces and Janjaweed in their operations against the rebel forces and simultaneously serve as a source of supply of weapons by virtue of defecting with their weapons and ammunition. There are reliable reports that the Chadian rebels have been resupplied by the Government of the Sudan with weapons and vehicles, which also serve to support their own cause in Chad. Weapons and ammunition have been observed being offloaded at the Geneina and El-Fasher airports and moved to various locations in Darfur. In spite of the clear understanding of its obligations under Security Council resolution 1591 (2005), at the time of writing this report, the Government of the Sudan still had not requested approval from the Committee to move weapons, ammunition or other military equipment into Darfur, thereby knowingly violating the provisions of the resolution.

The Panel has credible information that the Government of the Sudan continues to support the Janjaweed through the provision of weapons and vehicles. The Janjaweed armed militias appear to have upgraded their modus operandi from horses, camels and AK-47s to land cruisers, pickup trucks and rocket-propelled grenades. In accordance with article 27, paragraph 367, of the Darfur Peace Agreement, the Government of the Sudan has produced a plan for the disarming of the Janjaweed. However, other than a relatively small number of weapons voluntarily surrendered in Southern Sudan in mid-June, no compulsory disarmament has occurred.

Monitoring implementation of targeted financial and travel-related sanctions

By its resolution 1672 (2006), the Security Council designated four persons for the targeted sanctions (travel ban and assets freeze) imposed by resolution 1591 (2005). Although the travel ban does not require States to prevent entry of their own nationals, the Government of the Sudan has not implemented the financial sanctions in connection with the designated persons. The Government of the Sudan is reportedly examining the legal provisions required for implementation. However, in the absence of any request from the Government of the Sudan to the Committee for the delisting of individuals as per the guidelines issued by the Committee on

23 March 2006, the Panel is of the view that the Government of the Sudan has wilfully avoided implementing the resolution.

Since resolution 1672 (2006) included only a few details on the designated persons (such as names and professional or functional titles), the Panel requested additional information from the Government of the Sudan which is yet to be provided. The Panel feels that the lack of sufficient identifiers may pose a significant hurdle in the implementation of the resolution by the competent authorities.

In view of the importance of the implementation of resolution 1672 (2006), particularly by the Member States of the region, the Panel has written to 11 States seeking the status of implementation, and responses are awaited. The Committee had written to those States previously on 17 May 2005. The Panel also visited Chad and was advised that the resolution was not being implemented by the Government of Chad. In view of the sensitivity of the Sudan-Chad relationship and the free movement of people across the Sudan-Chad border, non-implementation of the resolution by Chad and other neighbouring countries will pose a major impediment to achieving peace in the region.

The Panel had received information about financial and logistical support being provided to the rebels in Darfur by some persons, particularly from the Sudanese diaspora abroad. The Panel has sent letters to those Member States requesting information on such individuals, and replies are still awaited.

In response to the note verbale dated 27 May 2005 from the Chairman of the Security Council Committee concerning the Sudan, 13 States have replied that they have implemented resolutions 1591 (2005) and 1556 (2004). However, since the adoption of resolution 1672 (2006), no further reports have been submitted by States regarding the implementation of the targeted sanctions.

Individuals who impede the peace process, commit violations of international law or are responsible for offensive military overflights

The signing of the Darfur Peace Agreement has resulted in a major split within the rebel movements. The Agreement faces formidable challenges. The most disturbing development is the attempt by the signatories to the Agreement to implement it through force, and it is feared that this may lead to a new round of violent conflict in Darfur. Developments in the past few months have ratcheted up tension in the region to a new height, exacerbating the humanitarian crisis. Tragically, it is the long-suffering innocent civilians of Darfur who continue to bear the brunt of recent events.

On the ground, battle lines have been drawn between those who have signed the Darfur Peace Agreement and those who are opposed to it. Irrespective of their traditional rivalries, the groups and factions have realigned themselves along their basic stand regarding the Agreement. On 30 June, a new organization known as the National Redemption Front was formed in Asmara as an umbrella movement, encompassing the factions that are not signatories to the Agreement, namely the Sudan Liberation Movement/Army (Abdul Wahid faction) (SLM/A (AW)), the Justice and Equality Movement (JEM) and the Sudan Federal Democratic Alliance (SFDA). Their platform is based on their common opposition to the Agreement, as it does not address their demands and aspirations. The regrouping of forces opposed to

the Darfur Peace Agreement is a matter of great concern as regards the security of the Darfur region.

In its previous report, the Panel presented a set of 10 criteria to guide its provision of information to the Committee on individuals who impede the peace process or constitute a threat to stability in Darfur or the region (see S/2006/250, annex II). The Panel has continued to refine those criteria in the light of the evolving situation in Darfur, and the new set of criteria is set out in annex II to the present report. The updated criteria serve as categories of acts of omission or commission that constitute impediments to the peace process or threats to stability.

Following the approach it has previously employed, the Panel is providing directly to the Committee in an unpublished document information on specific individuals it has identified as committing acts falling within the categories listed in annex II.

The Government of the Sudan continues to use unmarked white aircraft and vehicles in Darfur. Under the terms of article 24 of the Darfur Peace Agreement, any attempt by a party to disguise its equipment, personnel or activities as those of the African Union Mission in the Sudan, United Nations agencies, the International Committee of the Red Cross/Red Crescent or any other similar organization is prohibited.

In the opinion of the Panel, the Government of the Sudan is undertaking aerial reconnaissance operations and conducting hostile and offensive military overflights in the Darfur region, which is a violation of Security Council resolution 1591 (2005), article 2 of the N'Djamena Humanitarian Ceasefire Agreement, the Abuja Protocol of 9 November 2004 and the Darfur Peace Agreement.

Contents

		Paragraphs	Page
	Abbreviations		8
I.	Introduction	1–6	9
II.	Political and security developments: an overview	7–34	10
III.	Programme of work, methodology and constraints	35–72	16
	A. Programme of work	35–45	16
	B. Methodology, working principles and constraints	46–53	17
	C. Provision of information on individuals	54	19
	D. Working constraints	55–71	19
	E. Recommendations	72	22
IV.	Monitoring implementation of the arms embargo	73–91	23
	A. Overview	73	23
	B. Violations of the arms embargo	74–87	23
	C. Observations and recommendations	88–91	28
V.	Regional and international customs and border control measures	92–104	29
	A. Overview	92–103	29
	B. Recommendations	104	32
VI.	Monitoring implementation of targeted financial and travel-related sanctions	105–123	33
	A. Travel ban and financial sanctions	105–119	33
	B. Recommendations	120–123	35
VII.	Individuals who impede the peace process, commit violations of international law or are responsible for offensive military overflights	124–216	36
	A. Overview	124–125	36
	B. Individuals who impede the peace process or constitute a threat to stability	126–127	36
	C. Violations of international humanitarian or human rights law	128–200	37
	D. Offensive military overflight	201–214	50
	E. Recommendations	215–216	54
Annexes			
I.	Meetings with institutions/officials		56
II.	Categories of acts that impede the peace process or constitute a threat to stability in Darfur and the region		58
III.	Selected list of security incidents and attacks in Darfur — 13 April to 20 August 2006		60
IV.	Photograph of Musa Hilal, leader of the Janjaweed		64

V. Rebel groups in Darfur 65

Figures

1. Armed rebels at Umm Sidr on 30 June 2006 11
2. Antonov 12 aircraft at Geneina airport on 14 July 2006 26
3. Ilyushin 76 aircraft at El-Fasher airport on 31 July 2006 27
4. Mi-24 Hind attack helicopters at Geneina airport on 3 August 2006 28
5. Chadian vehicle at Geneina on 3 August 2006 30
6. Unmarked white vehicles at Port Sudan on 26 July 2006 32
7. Camp for internally displaced persons at Ryad, Geneina, on 2 August 2006 39
8. Burned car at Kulkul, 1 July 2006 48
9. Unmarked white Antonov aircraft at El-Fasher airport on 7 August 2006 51
10. Second unmarked white Antonov aircraft landing at El-Fasher airport on 7 August 2006 52
11. Unexploded bomb near the villages bombed on 31 July 2006 53
12. One-metre-deep bomb crater near the villages bombed on 31 July 2006 54

Abbreviations

AMIS	African Union Mission in the Sudan
AU	African Union
JEM	Justice and Equality Movement
NMRD	National Movement for Reform and Development
SFDA	Sudan Federal Democratic Alliance
SLM/A	Sudan Liberation Movement/Army
SLM/A (AW)	Sudan Liberation Movement/Army (Abdul Wahid faction)
SLM/A (M)	Sudan Liberation Movement/Army (Minawi faction)
SPLM	Sudan People's Liberation Movement
UNMIS	United Nations Mission in the Sudan

I. Introduction

1. In its resolution 1591 (2005) of 29 March 2005 the Security Council requested the Secretary-General, in consultation with the Committee established under that resolution, to appoint a Panel of Experts for a period of six months to assist the work of the Council and the Committee. This mandate was extended by resolution 1661 (2005) and subsequently by resolution 1665 (2006).

2. The Panel of Experts was appointed by the Secretary-General on 18 May 2006 (see S/2006/301), and provided an interim report to the Committee on 15 July 2006 covering the period from 30 March to 15 July 2006. The Panel continued to pursue the mandate assigned to it in paragraph 3 of resolution 1591 (2005), while taking note of subsequent decisions of the Security Council, in particular paragraph 1 of resolution 1679 (2006).

3. By paragraph 3 of its resolution 1591 (2005), the Security Council mandated the Panel to undertake the following substantive tasks:

- To assist the Committee in monitoring implementation of the measures in paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005); that is, provisions concerning the arms embargo
- To assist the Committee in monitoring implementation of the measures in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005); that is, provisions concerning targeted travel-related and financial sanctions
- To make recommendations to the Committee on actions the Security Council may want to consider.

4. Moreover, the Panel is identified in resolution 1591 (2005) as one of several sources of information to the Committee regarding individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the measures implemented by Member States in accordance with paragraphs 7 and 8 of resolution 1556 (2004) and paragraph 7 of resolution 1591 (2005) as implemented by a State, or are responsible for offensive military overflights described in paragraph 6 of resolution 1591 (2005).

5. The Panel also notes that, in resolution 1679 (2006), the Security Council reiterated the decisions set forth in resolution 1591 (2005) and expressed its intention to consider imposing targeted sanctions against any individual or group that violated or attempted to block the implementation of the Darfur Peace Agreement. The Panel has therefore also monitored violations of the Agreement, which constitute a threat and impediment to peace in Darfur and the region with a view to reporting any such violations to the Security Council.

6. The present report is submitted pursuant to Security Council resolution 1665 (2006), in which the Council requested the Panel to submit a final report no later than 30 days prior to termination of its mandate on 29 September 2006 with its findings and recommendations. This report covers the period from 30 March to 29 August 2006.

II. Political and security developments: an overview

7. Peace remains elusive in the Darfur region. Violence and destruction have plagued the region for more than three years. The past situation of localized and sporadic violence, exacerbated by ethnic and economic dimensions and conflict over scarce resources, has been replaced by a completely new kind of situation in which there is a widespread power struggle, resulting in violations of international humanitarian and human rights law, death, devastation, displacement and insecurity of civilians in the camps for internally displaced persons in Darfur. The present situation is marked by attacks by Janjaweed/armed militia and internecine fighting between signatories and non-signatories to the Darfur Peace Agreement, fueled by arms, ammunition and other logistical support from neighbouring States, air attacks by the Government of the Sudan resulting in the razing and burning of villages, the rape of innocent women and girls, kidnapping and illegal detention, the carjacking of non-governmental organization vehicles and the disruption of humanitarian work in the region. The most disturbing development is the attempt by the signatories to the Darfur Peace Agreement to implement it through force, and it is feared that this may lead to a bloodier round of battles in Darfur. This development in the past few months has ratcheted up tension in the region to a new height, exacerbating the humanitarian crisis. Tragically, it is the long-suffering innocent civilians of Darfur who continue to bear the brunt of this catastrophic development.

Darfur Peace Agreement

8. The turning point in the course of the mandate of the Panel was the signing of the Darfur Peace Agreement on 5 May 2006. It came as a welcome conclusion to the seventh round of negotiations between the Government of the Sudan and the rebel movements. The efforts of the international community, particularly those of the African Union (AU), culminated in the signing of this historic Agreement. It raised hope that the parties would finally lay down their arms and work towards building a new, peaceful and prosperous Darfur. That hope was short-lived. While all parties to the conflict participated in the talks, only the Government of the Sudan and the faction of the Sudan Liberation Movement/Army led by Minni Arko Minawi (SLM/A (M)), signed the Agreement. Two other movements, namely the faction of the Sudan Liberation Movement/Army led by Abdul Wahid Mohamed al-Nur (SLM/A (AW)) and the Justice and Equality Movement (JEM), led by Mohamed Khalil Ibrahim, did not sign the Agreement. On 15 May 2006, the Peace and Security Council of the African Union (AU), while endorsing the Agreement, regretted the failure of those groups to sign the Agreement. It urged them to do so by 31 May 2006. On 8 June, however, some members of the SLM/A (AW) and JEM splinter groups signed a declaration of commitment to the Darfur Peace Agreement in Addis Ababa and agreed to be bound by its provisions and participate fully in its implementation. A group of rebel leaders/commanders constituting the Group of 19 (G19), split from SLM/A (AW) on the issue of the signing of the Darfur Peace Agreement. This split of the protagonists has rendered more difficult the implementation of the Agreement and control of the situation on the ground.

9. The split in the Sudanese Liberation Army (SLA) occurred at the Haskanita Conference, which saw the apparent ascendancy of Minni Minawi, while the non-Zaghawa base of the movement remained faithful to Abdul Wahid Mohamed

al-Nur. The split showed a deep and dangerous divergence of agenda, mainly between the Fur and Zaghawa components.

Figure I
Armed rebels at Umm Sidr on 30 June 2006

10. This split within SLM/A has led to internecine fighting. Early in June, armed clashes occurred between the G19 and SLM/A (M) forces in and around Bir Maza (Northern Darfur). On 12 and 13 June, fighting erupted between SLM/A (M) and SLM/A (AW) in Kulkul and Korma. In Kulkul, a bid by SLM/A (M) to retake an area controlled by SLM/A (AW) was investigated by the AU Ceasefire Commission. In Korma, SLM/A (AW) troops launched a successful offensive and regained territory lost on or about 14 March. From 5 to 8 July, heavy fighting was reported in the areas of Bir Maza, Umm Sidr, Tawila and Korma in Northern Darfur between SLM/A (M) and the G19 (see fig. I). A sense of insecurity is now widespread, with an increase in armed robberies and hijackings of NGO vehicles by elements linked to rebel groups and bandits. On 15 June, a convoy of 23 Sudanese armed forces vehicles was ambushed in Kaoura, 35 km west of Kabkabiya in Western Darfur.

11. Initially the Government of the Sudan showed some restraint in exercising military options in the expectation that those rebel forces that had yet to sign the Darfur Peace Agreement would come forward and eventually sign. A Presidential Decree was issued on 11 June granting amnesty to all those factions that signed the Agreement and to tribal elements that participated in the tribal reconciliation conferences in Darfur endorsed by the Government of the Sudan. The restraint shown by the Government of the Sudan and the diminishing number of attacks by the Janjaweed during the intervening period is indicative of the ability of the Government of the Sudan to influence those forces over which it claims to have no

control. However, that policy has now changed, with the adoption of an aggressive policy by the Government of the Sudan and SLM/A (M) to implement the Darfur Peace Agreement by force. There are reports that SLM/A (M), supported by the Sudanese Armed Forces, is carrying out attacks against non-signatories of the Darfur Peace Agreement and the villages in areas under their control. Annex III lists security incidents and attacks in Darfur from 13 April to 20 August 2006.

12. On 23 April 2006, Al Jazeera television aired a declaration by Osama bin Laden rejecting the Darfur Peace Agreement and calling for a jihad in Darfur, while urging the mujahideen to acquaint themselves with the territory and tribes of the region and the areas surrounding it.

13. The signing of the Darfur Peace Agreement was immediately followed by violent clashes in many refugee camps, which were ruthlessly repressed by the Government of the Sudan police forces. The camps, where the humanitarian situation is degrading due to the reduction of aid, are now slipping out of the control of any organized authority. Fifty per cent of NGOs are said to have left due to the lack of funding and security. The Panel noted an infiltration of weapons and armed elements, widespread theft and physical assaults, resulting in overall insecurity for the inhabitants. Outside the camps, the Janjaweed/armed militias are more present than ever, and are engaged in looting, beating and/or raping women who put themselves at risk by moving outside the camps to gather firewood. The local police force is too often absent or inefficient due to fear of reprisal. The African Union Mission in the Sudan (AMIS) is not able to carry out an adequate number of escort patrols owing to resource constraints.

14. The Panel had the opportunity, in the course of its short mandate, to establish high-level contacts with all the parties: the Government of the Sudan, SLM/A (M), SLM/A (AW), the G19, JEM leaders and tribal leaders. Behind the reservations expressed on provisions such as the disarming of the Janjaweed or the compensation package granted by the Darfur Peace Agreement to the civilian victims of the conflict, it is the Panel's understanding that the opposition of large segments of the population reflects a much broader mistrust of the Government of the Sudan and the international community's ability to ensure the implementation of the Agreement.

15. The Darfur Peace Agreement consists of four substantive chapters: power-sharing, wealth-sharing, comprehensive ceasefire and security arrangements, and the Darfur-Darfur dialogue and consultation. The Agreement envisages that it will be implemented by AMIS and the parties with some assistance and support from the United Nations and the international community.

16. With regard to security arrangements, the Darfur Peace Agreement provides for enhanced mechanisms to strengthen the existing ceasefire monitoring and verification system and includes measures to increase security for internally displaced persons and humanitarian supply routes by establishing demilitarized zones around the camps and buffer zones to separate the forces on the ground. The Government of the Sudan committed to submit and implement a plan for the neutralization and disarmament of the Janjaweed and armed militia. A new body called the Darfur Security Arrangements Implementation Commission was to be set up to coordinate implementation of all security provisions. The United Nations was called upon to participate, inter alia, in the new Ceasefire Commission provided for in Darfur Peace Agreement.

17. The Government of the Sudan has initiated some measures to implement the Darfur Peace Agreement. Pursuant to articles 8 and 27 of the Agreement, the Government of the Sudan submitted a Janjaweed/armed militia disarmament plan to AU early in July, and on 3 August appointed Minni Arko Minawi as the Senior Assistant to the President and as the chairman of the Transitional Darfur Regional Authority.

18. During the AU summit in Banjul on 2 July 2006, the President of the Sudan, Omar al-Bashir, informed the Secretary-General that his Government would submit a detailed plan for strengthening security and restoring stability in Darfur. Subsequently, on 8 August, the Government of the Sudan forwarded to the Secretary-General a plan for the restoration of stability and protection of civilians in Darfur. On 25 August the Secretary-General conveyed to the Government of the Sudan his comments on the plan, which included concerns regarding the deployment of troops of the Sudanese Armed Forces in Darfur.

National Redemption Front and change of leadership of SLM/A (AW)

19. On the ground, battle lines have been drawn between those who have signed the Darfur Peace Agreement and those who oppose it. Irrespective of traditional rivalries, the groups and factions have realigned themselves along their basic stand regarding the Agreement (see annex V). On 30 June, a new organization known as the National Redemption Front was formed in Asmara as an umbrella movement, encompassing the factions, non-signatories to the Agreement, namely SLM/A (AW), JEM and the Sudan Federal Democratic Alliance. Their platform is based on common opposition to the Agreement, as it does not address the demands and aspirations of the different groups.

20. On 27 July, a group of military commanders and political leaders removed Abdul Wahid Mohamed al-Nur as the Commander of his SLM/A faction. He was replaced by Ahmed Abdelshafi Bassey. The new faction, composed predominantly of Fur leaders dissatisfied with Abdul Wahid's handling of the issue of the Darfur Peace Agreement, might eventually ally themselves with the National Redemption Front. The political future of Abdul Wahid Mohamed al-Nur and his strategy to retain his leadership in the predominantly Fur stronghold of Jebel Marra are uncertain.

21. The regrouping of forces opposed to the Darfur Peace Agreement is a matter of great concern as regards the security of the Darfur region. After the attack by the National Redemption Front on positions held by the Government of the Sudan in northern Kordofan on 3 July, there is a growing fear of escalation of conflict in the region.

African Union Mission in the Sudan

22. Under the Darfur Peace Agreement, AMIS received a mandate to monitor and observe its implementation and to contribute to a secure environment for the delivery of humanitarian assistance and the return of refugees and internally displaced persons. The AU Peace and Security Council, in a communiqué of 27 June, reaffirmed its decisions of 10 March and 15 May 2006 on ending the mandate of AMIS by 30 September 2006 and on the transition from AMIS to a United Nations peacekeeping operation. At the pledging conference held in Brussels in July 2006, donors committed funds for the continuance of AMIS until

30 September, although there are apprehensions about the adequacy of those funds for AMIS to effectively achieve its mandate.

23. The Darfur Peace Agreement has added new tasks for AMIS, including the establishment and patrolling of buffer zones and demilitarized zones around camps for internally displaced persons; patrolling of humanitarian supply routes and nomadic migration routes; investigation and reporting cases of ceasefire violations; deployment in camps of displaced persons and areas of civilian control; monitoring security in the camps; and the protection of women and children, among others. In order to live up to those expectations, AMIS has to be provided with more resources and support until its mandate expires or the United Nations or some other body takes over its responsibilities.

African Union Ceasefire Commission

24. The meetings of the AU Ceasefire Commission envisaged by the Darfur Peace Agreement have created more controversy than results. There are currently two ceasefire agreements in force: the N'Djamena Agreement and the Darfur Peace Agreement, each with different signatories. The Government of the Sudan and SLM/A (M) are the only two signatories to the Darfur Peace Agreement as against four signatories to the N'Djamena Agreement, namely the Government of the Sudan, SLM/A (M), SLM/A (AW) and JEM. Because of this strange situation, the Government of the Sudan and SLM/A (M) have reportedly refused to allow SLM/A (AW) and JEM to attend the ceasefire meetings envisaged in the Darfur Peace Agreement. The Chairman of the AU Ceasefire Commission has informed the Panel that, because of this controversy, two separate sets of meetings are being held with different signatories. The AU convened the first meeting of the Joint Commission on 23 June in Addis Ababa. During its second meeting in Addis Ababa in August, the Chairman of the AU Ceasefire Commission, Major General Cru-Ihekire, submitted a report detailing the violations by the parties, but he was subsequently asked to carry out detailed investigations and to resubmit the report at the next meeting in September. However, owing to the unwillingness of the AU Ceasefire Commission to share this information with the Panel, it has not been possible to assess the effectiveness of the Ceasefire Commission and to identify the individuals who violated the two ceasefire agreements. However, the Panel has learned from reliable sources that both mechanisms have been prevented from making any tangible progress.

Humanitarian situation

25. The Government of the Sudan and the United Nations signed a joint communiqué on 3 July 2004 (see S/2004/635) committing themselves to concrete actions to improve the security and humanitarian situation in Darfur. However, the humanitarian situation is far from satisfactory. Carjackings and other forms of banditry on the roads have increased. In the month of July alone, six national humanitarian staff were killed including three staff members contracted by UNICEF in Zalingei. In view of the increasing number of attacks, two non-governmental organizations have closed their offices in Northern Darfur and others find the provision of humanitarian aid to be increasingly difficult. The voluntary return of internally displaced persons to their former villages has yet to occur because of the perceived threat of the Janjaweed. Overall, the operational activities of the non-governmental organizations are on the decline.

Relationship between the Sudan and Chad

26. The fitful relationship between the Sudan and Chad has had negative implications for peace in the region. The long and open border of almost 1,000 km; the cross-border movement of combatants and weapons; the open support from Chad for rebels operating in the Sudan and similar support from the Sudan for Chadian rebels; and the virtual non-implementation of the Tripoli Agreement to Settle the Dispute between the Republic of Chad and the Republic of the Sudan of 8 February 2006 (see S/2006/103, annex II), are serious impediments to the peace process in the region.

27. Conflict along the Sudan-Chad border had become more prevalent until the end of June, with both sides suspected of supporting rebel forces against each other. In the aftermath of the failed attempt by Chadian rebels supported by the Government of the Sudan to take over N'Djamena on 13 April 2006, diplomatic relations between Chad and the Sudan were severed, and the rebels, living in Darfur, have received increased support from the Government of the Sudan. In return, they are reported to be involved, together with the Janjaweed, in operations against rebel forces in Western Darfur and Sudanese refugee camps in Chad.

28. However, early in July, the President of Chad, Idriss Déby, and the President of the Sudan, Omar al-Bashir, held a meeting on the sidelines of the AU summit, at the initiative of the President of the Libyan Arab Jamahiriya, Colonel Muammar al-Gadhafi, in an attempt to restore the relationship between the two countries. The Sudan and Chad exchanged diplomatic delegations to resolve existing differences. The proces verbal expressed a mutual commitment to cease providing support to each others' rebel forces. The recent visit of President Omar al-Bashir to N'Djamena to attend the inauguration ceremony of President Idriss Déby was a turning point in their agreeing to improve the bilateral relationship. The Foreign Minister of Chad, Ahmad Allammi, met with President al-Bashir on 27 August. Officials discussed political, military and security arrangements. Mr. Allammi also announced that Chad would expel 47 rebel leaders non-signatories to the Darfur Peace Agreement.

29. This development may ultimately improve cross-border security and assist in bringing stability to the entire region.

Transition from the African Union Mission in the Sudan to a United Nations peacekeeping operation

30. By its resolution 1679 (2006), adopted under Chapter VII of the Charter of the United Nations, the Security Council expressed its intention to replace the African Union Mission in the Sudan with a United Nations operation in Darfur and to increase its support to and strengthen the capacity of AMIS during the interim period. In a communiqué issued on 27 June, the AU Peace and Security Council reaffirmed its decisions of 10 March and 15 May 2006 on ending the mandate of AMIS by 30 September 2006 and on the transition from AMIS to a United Nations peacekeeping operation in Darfur. In accordance with those decisions, a joint AU United Nations technical assessment mission visited the area from 9 to 26 June to facilitate the deployment of a United Nations force. The Under-Secretary-General for Peacekeeping Operations and the AU Commissioner for Peace and Security held extensive consultations with President Omar al-Bashir and government officials in Khartoum and also travelled to Chad to meet with President Idriss Déby.

31. In order to support the early and effective implementation of the Darfur Peace Agreement, the Security Council, in its resolution 1706 (2006), called for the expansion of the mandate of UNMIS to Darfur, with the consent of the Government of the Sudan. The proposed United Nations force will comprise 17,300 military personnel and an appropriate civilian component.

32. However, the proposed United Nations deployment has been categorically rejected by President Omar al-Bashir.

33. There are divergent views about the performance of AMIS and the necessity of its replacement by a United Nations peace operation in Darfur.

34. On the basis its own assessment of the situation, the Panel feels that AMIS cannot carry out its task effectively under the present circumstances. To give peace a chance, transition to a United Nations operation could be a feasible alternative, provided that the parties to the conflict show sincerity in speedily implementing the Darfur Peace Agreement.

III. Programme of work, methodology and constraints

A. Programme of work

35. The Panel commenced its work on 18 May 2006. It met on 1 June with the Head of AMIS, Ambassador Baba Gana Kingibe. The Panel then travelled to the Darfur region on 4 June.

36. The new members of the Panel initially met in New York from 5 to 13 June and held meetings with various departments and branches within the United Nations Secretariat, including the Coordinator of the previous Panel of Experts, the East Africa Division of the Department of Security and Safety, the Africa I Division of the Department of Political Affairs, the Africa Division of the Department of Peacekeeping Operations, the Office of Legal Affairs and the Security Council Affairs Division of the Darfur Peace Agreement. The Panel met with the Sudan sanctions Committee on 15 June. Meetings were held with representatives of the International Criminal Court and the Deputy Permanent Representative of the Republic of the Sudan to the United Nations.

37. The new members of the Panel travelled to Khartoum on 21 June and met various officials of UNMIS and the Special Representative of the Secretary-General for the Sudan, on 22 June. On 24 June, the Panel met the head of the National Intelligence and Security Service and focal point of the Government of the Sudan.

38. The Panel met with the Governor (Wali) of Northern Darfur on 27 June and held meetings with the regional heads of police and security and a number of tribal chiefs. The Panel met with several NGOs and also participated in their weekly briefing at the UNMIS El-Fasher compound. The Panel visited several locations under the control of SLM/A (AW), SLM/A (M) and the G19 and investigated reported incidents.

39. Two Panel members proceeded to New York to present the interim report to the sanctions Committee on 25 July, while the other two members carried on with work in Khartoum and Port Sudan.

40. The Panel met in Khartoum on 28 July and held meetings with senior officers of the Sudanese armed forces and the Ministry of Justice. The Panel's departure for a second visit to Darfur was delayed by one day owing to a Government of the Sudan security alert. In El-Fasher, the Panel held extended meetings with UNMIS officials, the AMIS Force Commander/Chairman of the AU Ceasefire Commission and several non-governmental organizations, as well as SLM leader Minni Arko Minawi. The Panel met in El-Fasher with several victims of abuses and violations of international humanitarian and human rights law prior to visiting the AMIS sector commanders and staff of Sector 5 (Tina, Northern Darfur) and Sector 3 (Geneina, Western Darfur) for operational briefings.

41. In Geneina, the Panel was received by the Governor (Wali) of Western Darfur, the head of the police department, the head of the Customs department, Division of Security and Safety of UNMIS and the Deputy Head of Mission of the Office for the Coordination of Humanitarian Affairs.

42. The Panel visited N'djamena from 14 to 17 August. In N'Djamena, meetings were organized by the local UNDP Regional Co-Coordinator. Meetings were held with the ministers and senior officials of the ministries of foreign affairs, defence, territorial administration, finance and justice and with the head of the Customs department. The Panel also met with members of the diplomatic corps and other officials.

Cooperation with the Government of the Sudan and other agencies or bodies in Darfur/Sudan

43. The Government of the Sudan supported the Panel in its work through its focal point, General Mohammed A. Mustafa Eldabi, Assistant Representative of the President to the Darfur States, and Bilal Gasmalla, Counsellor in the Ministry of Foreign Affairs, which is greatly appreciated by the Panel. Meetings for the Panel were arranged by them and an official was made available to travel with the Panel to El-Fasher and Port Sudan to facilitate meetings with Government officials.

44. The Panel appreciates the support and cooperation accorded to it by AMIS, UNDP, UNMIS, the Office for the Coordination of Humanitarian Affairs, national and international non-governmental organizations, foreign embassies and other agencies and bodies working in Darfur and Khartoum. The Panel received excellent operational and logistical support from UNMIS while undertaking its work.

45. AMIS greatly supported the Panel in providing logistical support when required, facilitated visits to different sectors and briefed the Panel on the situation on the ground. It should be mentioned that after the Government suspended UNMIS activities in Darfur, the Panel had to use on AMIS aircraft to travel to Darfur on 26 June 2006.

B. Methodology, working principles and constraints

Overall approach

46. In discharging its mandate, the Panel remained fully cognizant of the political developments taking place in the Sudan, in neighbouring countries and at the international level. In its effort to fulfil its mandate in an objective, unbiased and transparent manner, the Panel tried to reach out to all those who could provide

useful, credible and verifiable information. It explained the objective of its mandate and maintained the view throughout that it had a technical task to perform to gather facts, which was different from a judicial or criminal investigation.

47. The Panel viewed its work as complementary to the ongoing political and diplomatic initiatives and in assisting in the implementation of measures that could deter and hold to account individuals or entities that might otherwise choose to impede the peace process, violate the arms embargo or commit violations of international humanitarian and human rights law.

48. In undertaking its work, the Panel sought to discuss and engage constructively with as broad a range of stakeholders as possible with a view to reflecting a wide spectrum of perspectives in its findings and recommendations.

Methodology

49. The methodology employed by the Panel in undertaking its task consisted of the following elements:

(a) Understanding and interpreting the mandate of the Panel in the wider context of complementing the efforts of the Security Council to bring peace and stability to the Darfur region of the Sudan;

(b) Reviewing existing literature, documents, reports, news items and the like;

(c) Carrying out field investigations and enquiries, including interviews;

(d) Meeting officials of the Government of the Sudan and other countries, political and tribal leaders, national and international NGOs, representatives of UNMIS, AU, AMIS, the Ceasefire Commission, international organizations and other stakeholders;

(e) Visiting relevant countries to gather information and evidence;

(f) Collating information gathered by the Panel;

(g) Verifying information by cross-checking with at least two or three reliable, independent and verifiable sources. The Panel used data triangulation processes to verify and validate the information it gathered;

(h) Analysing information by way of discussion within the Panel, the members of which are drawn from various fields of specialization;

(i) Drawing conclusions, findings and recommendations based on the majority opinion of the Panel.

Working principles

50. The Panel undertook its mandate according to the following working principles:

Impartiality

51. From the very beginning, the Panel made it clear to all stakeholders that it wanted to carry out its task in an impartial, unbiased and objective manner, in an atmosphere of trust and transparency and without any hidden or predetermined

agenda. It strove to reach out to all those who could provide it with actual facts and information that could be verified and corroborated.

Confidentiality

52. The Panel operated on the general principle that the use and citation of information provided to or gathered by it would depend on the conditions, if any, imposed by the informants. The Panel identified three categories of information, with attendant confidentiality measures, namely, category A: information in the public domain for use and citation without restriction; category B: information provided to the Panel for conditional use/citation; and category C: information for which the source is not to be identified under any circumstances.

Assessment of evidence

53. Since the Panel does not have the power to conduct criminal investigations, but is rather a fact-finding mission working within the constraints detailed below, its findings may not always be based on evidence of the standard of "beyond a reasonable doubt" but on the principle of "balance of probability".

C. Provision of information on individuals

54. With regard to information provided to the Committee on individuals who impede the peace process, constitute a threat to peace in the region, commit violations of international humanitarian and human rights law, or are responsible for offensive military overflights, the Panel has decided, as before, to provide this information in the form of a separate, confidential annex to the present report. This decision was motivated by the desire (a) not to give advance warning to those whom the Committee might decide to designate as being subject to the measures specified in subparagraphs 3 (d) and 3 (e) of resolution 1591 (2005); (b) to provide sufficient time and opportunity for the Committee and the Council to fully consider the information before the names are made public; and (c) not to compromise the ongoing investigations of the Panel or those of others.

D. Working constraints

55. The Panel encountered significant constraints to its work in terms of (a) security; (b) bureaucratic delay and restrictions in accessing information; (c) time, which was exacerbated by the need to recruit three new Panel members to replace experts who had departed at the end of the previous mandate; (d) travel; (e) resources; and (f) safety of interlocutors.

Security constraints

56. The Panel had to work in a volatile and very insecure environment. During a meeting with the members of the SLM/A (M) faction, the Commander of the Kulkul area threatened to shoot down UNMIS aircraft if proper notification was not given to them for overflights of areas under their control to meet members of other factions that have not signed the Darfur Peace Agreement.

57. Similarly, in the meeting with the G19, its members insisted upon proper notification being given to their leaders prior to overflights or movement through areas under their control.

58. From the above, it is very clear that those factions are treating their respective territories as areas where their dictates are to be treated as the law of the land. The Panel has to work judiciously to maintain neutrality while gathering information according to its mandate in such an uncertain environment.

59. The Government of the Sudan has imposed a night curfew in most places, and this has been a major impediment to the Panel in monitoring the arms embargo in Darfur, as there is credible information of many violations taking place at night.

Access to information

60. Bureaucratic delay and restrictions in accessing information constituted an important constraint on the Panel's work. The Government of the Sudan withheld many documents and information on the grounds of sovereignty, secrecy and national security.

61. The Panel engaged in a lengthy series of interactions with the African Union, beginning on 31 May 2006, to access information critical to the fulfilment of its mandate. Despite instructions from the top, information on the ground was not forthcoming from some quarters. The Panel had another meeting with Ambassador Kingibe in Khartoum, and he reassured the Panel of his commitment to support its work. After his intervention, the Panel received some information in mid-August 2006. However, because of the delay, it could not take full advantage of this important source of information.

Travel constraints

62. From 12 to 26 June, it became necessary for the Panel to curtail its work in the Darfur region because of the presence of the AU United Nations technical assessment mission. The United Nations helicopter support required to transport the Panel was reallocated to the technical assessment mission on a higher priority. Accommodation in El-Fasher and Nyala was unavailable. The Panel, in consultation with the Head of Office in Geneina and the UNMIS Chief of Security, cancelled a scheduled trip to the area owing to the presence of the technical assessment mission.

63. On 25 June, the Government of the Sudan suspended UNMIS air service to Darfur, and the Panel had to make its own arrangements to travel to El-Fasher by the AMIS aircraft. On 30 July, for security reasons, the Panel was advised by the Government of the Sudan not to travel to El-Fasher. The Panel had to travel on 31 July after obtaining security clearance from UNMIS. Similarly, the restriction on flight time of the helicopter crew did not permit the Panel to spend more time in the Tina sector, particularly along the Sudan-Chad border. The non-availability of fuel at the Geneina airport forced the Panel to travel by a helicopter belonging to another United Nations agency on a diverted route which took longer. Again, owing to technical problems, there was no helicopter available at El-Fasher to travel on 5 and 6 August to some areas where incidents had reportedly occurred. Owing to the tense situation that prevailed in those areas, the safety and security of the Panel precluded travel by road.

64. The lack of multiple-entry visas for the Sudan continued to plague the Panel members. Travel documents surrendered on 29 May 2006 to UNMIS for the issuance of multiple-entry visas had to be withdrawn from the Government offices by staff of the UNMIS Travel Section on 25 June after it became apparent that the required visas would not be provided in time for the scheduled departure from the country. By that time, the original visa of one Panel member had expired, and a special letter from the Ministry of Foreign Affairs was required to facilitate his exit from the country. Two Panel members had to leave the Sudan early because extensions of their visas had not been granted. Such delays are extremely time-consuming to the Panel and directly impede the overall workplan in an already time-constrained mandate.

Resource constraints

65. Given the scope and nature of its mandate, the Panel is of the view that, if its mandate is renewed, it would benefit greatly from the addition of a professional investigator with a working knowledge of Arabic to assist with case studies and other investigations relating to the mandate. In addition, an assistant conversant with the socio-political dynamics of the region, preferably a local person, would be an asset to the Panel.

Safety of interlocutors

66. The Panel undertook to avoid situations that could expose interlocutors, especially in the Sudan, including victims and eyewitnesses, to a risk of harassment or threats to their physical security by the Government of the Sudan and/or any other parties because of their interactions with the Panel.

Response to the comments of the Government of the Sudan

67. The Government of the Sudan, in the comments it provided on 10 August on the Panel's previous report, had taken adverse note of the time constraint, which, according to the Government, did not allow the Panel to get a complete picture of the situation. The Government commented that the Panel did not spend sufficient time in Southern Darfur and visited a limited number of places and that the Panel mentioned incidents in their report without actually having visited those places. The main objection of the Government was that the Panel did not take into account the information provided by it. The Governor of Northern Darfur, whom the Panel met on 27 June 2006, also commented on the limited time and resources at the disposal of the Panel and said that those limitations would not be in the interests of a fair investigation on which the fate of a country and its people depended. He said that being Sudanese and Darfurians, they were more interested than anyone else in bringing lasting peace to the Sudan. Similar concerns were raised by other senior officials of the Government of the Sudan.

68. The Panel carefully examined the comments of the Government of the Sudan and agrees with its comments with regard to constraints of time and resources, but does not agree with the accusation of selectivity of approach with a view to reaching predetermined conclusions. It has been verified by the Panel that the Government of the Sudan had provided some information to the previous Panel, including some documents in Arabic, only a few days prior to the termination of its mandate, and that the Panel, therefore, did not have sufficient time to have the documents

translated, examine them and carry out investigations to arrive at any definite conclusions.

69. The present Panel was also supplied with some documents by the Government of the Sudan, most of which were in Arabic and required a significant investment of time to be translated by the Panel's language support officer. The Panel went through those documents and found that most of the information was incomplete and not supported by any evidence. This was pointed out to the Government officials and they were requested to provide more information.

70. One such example of incomplete information is the allegation by the Government of the Sudan that a few individuals living in specified countries are providing financial and logistic support to the rebels in Darfur. Apart from names, no other details were provided by the Government of the Sudan, and the Panel feels that no Member State can identify such individuals on the basis of a name only. However, in spite of the inadequacy of information, the Panel has written to the Member States concerned to enquire into the allegations and request that the Panel be provided with information which may warrant action.

71. The Government had also provided the Panel with written reports and compact discs containing interviews with persons so as to prove allegations that the Chadian authorities had provided support to the rebels in Darfur. In accordance with the methodology adopted, the Panel wanted to verify the information by interviewing some of those witnesses and examining the Chadian vehicles seized by the Government of the Sudan. The Panel requested the Government officials to facilitate their enquiry by making the necessary arrangements at the places where the vehicles were kept and the witnesses/detainees were available. However, until the departure of the Panel from the Sudan, the Government of the Sudan could not make such arrangements. That part of the enquiry, therefore, could not be completed by the Panel. The Panel maintains that its findings are objective and unbiased and are based on information obtained from reliable sources, which is verified by at least two independent sources.

E. Recommendations

72. The Panel makes the following general recommendations:

Recommendation 1

Considering the geographical size and terrain of the Darfur region, the inaccessibility of many areas, the security scenario and the wider scope of the mandate, the Security Council should consider extending the duration of any future mandate of the Panel to a period of one year to ensure that the Panel has sufficient time to accomplish its tasks thoroughly, particularly in the light of the time required for customary bureaucratic processes.

Recommendation 2

Given the scope and nature of its mandate, the Panel is of the view that if its mandate is renewed, it would benefit greatly from the addition of a professional investigator with a working knowledge of Arabic and an assistant conversant with

the socio-political dynamics of the region, preferably a local person, to assist with case studies and other investigations relating to the mandate.

Recommendation 3

The Government of the Sudan should be requested by the Committee and the Panel to grant multiple-entry visas to the Panel members with validity until the end of their mandate.

Recommendation 4

The Government of the Sudan should be requested by the Committee and the Panel to exempt the Panel from restrictions of movement during the period of curfew and to provide security support to the Panel as and when required.

IV. Monitoring implementation of the arms embargo

A. Overview

73. On the basis of continuing research and information provided by reliable sources and its own observations, the Panel maintains that blatant violations of the arms embargo by all parties continue unabated. Weapons, notably small arms, ammunition and military equipment, continue to enter the Darfur States from a number of countries and from other regions of the Sudan. The closure of all airports during hours of darkness; the preclusion of the Panel from inspecting aircraft shipments; the curfew imposed by the Government throughout the Darfur region; and the lack of AMIS night patrols as a result of patrols being attacked when they went out after the curfew, even though they are permitted to do so under article 24 of the Darfur Peace Agreement, present challenges in gathering evidence to support informant statements.

B. Violations of the arms embargo

Supply to the rebel forces

74. Since March 2006, the rebel forces collectively have shown a notable increase in capacity to engage the Government forces. From observation and credible reports, there appears to be an increase in the number of newer small arms and light weapons in the possession of the rebel factions. Findings to date show a definite cross-border delivery pattern from Chad into Northern and Western Darfur. The Panel is continuing its investigations in order to confirm the identity of specific individual suppliers, the international suppliers of the equipment and detailed transit routes.

Chadian rebels

75. As armed elements operating in Darfur, Chadian insurgents pose a significant threat to peace and security in Darfur and the region. They are contributing to the conflict by reportedly joining the Sudanese armed forces and Janjaweed in their operations against the rebel forces and simultaneously serve as a source of supply for weapons by virtue of defecting with their weapons and ammunition. There are

reliable reports that the Chadian rebels have been resupplied by the Government of the Sudan with weapons and vehicles to support their own cause in Chad also. Weapons and ammunition have been observed being offloaded at the Geneina airport, transported to the national security compound in Geneina and, under cover of darkness, after the curfew, delivered to Chadian rebel locations.

Government of the Sudan

Militia groups

76. The Panel has credible information that the Government of the Sudan continues to support the Janjaweed through the provision of weapons and vehicles. The Janjaweed/armed militias appear to have upgraded their modus operandi from horses, camels and AK-47s to land cruisers, pickup trucks and rocket-propelled grenades. Reliable sources indicate that the Janjaweed continue to be subsumed into the Popular Defence Force in greater numbers than those indicated in the previous reports of the Panel. Their continued access to ammunition and weapons is evident in their ability to coordinate with the Sudanese armed forces in perpetrating attacks on villages and to engage in armed conflict with rebel groups. Reliable sources indicate that the attack by the Sudanese armed forces on JEM at Jebel Moon, which occurred over a period of time late in July, was such an operation. There are also reliable reports that Chadian rebels also supported the Sudanese armed forces in return for military materiel support and their continued unopposed presence inside the Sudan.

Disarming/neutralizing of the Janjaweed and armed militias

77. Under the terms of article 6 of the N'Djamena Agreement of 8 April 2004, the Government of the Sudan committed itself to neutralizing the armed militias. In the Abuja Protocol of 8 November 2004, the Government of the Sudan, while reiterating its commitment under the N'Djamena Agreement, relevant AU decisions and Security Council resolutions 1556 (2004) and 1564 (2004), undertook to expeditiously implement its stated commitment to neutralize and disarm the Janjaweed/armed militias under the supervision of and verification by the AU Ceasefire Commission and AMIS and to provide them with all the relevant information, including identification and declaration of those militias over whom it has influence. The Government of the Sudan is under the obligation to ensure that those militias refrain from all attacks, harassment or intimidation. The Darfur Peace Agreement provides for the implementation of the disarmament and neutralization plan in a phased and timely manner. Under the terms of the Agreement, the Government of the Sudan had to submit a comprehensive plan for disarming the Janjaweed/armed militias, including information on their locations and areas of encampment, within 37 days of the signing of the Agreement.

78. The Government of the Sudan has provided the Panel with a copy of the disarmament plan it submitted to AU, which is examining it.

79. No compulsory disarmament of the Janjaweed/armed militias has occurred in Darfur. Unconfirmed reports indicate that the Janjaweed in the Darfur region continue to carry out attacks and that they are routinely supplied with arms, ammunition and other military equipment by the Government of the Sudan. Regarding disarmament, the Chief of Staff of the Sudanese Armed Forces, General

Ismat, was quoted in a press article on 1 June 2006, as saying, "it is a matter of time and will take place in accordance with the prevalent international customs and norms ...".

Transfer of arms and deployment of forces from other parts of the Sudan into Darfur by the Government of the Sudan

80. At the time of writing of the present report, the Government of the Sudan still had not requested approval from the Committee to move weapons, ammunition or other military equipment into Darfur. The Government is fully aware of its obligations to do so in accordance with paragraph 7 of resolution 1591 (2005) which were reiterated in article 24 of the Darfur Peace Agreement. On 29 July 2005, the Chairman of the Committee conveyed the Committee's understanding that any and all movement of military equipment and supplies into the Darfur region by the Government of the Sudan required approval in advance by the Committee, in accordance with subparagraph 3 (a) (v) of resolution 1591 (2005). On 17 March 2006, the Chairman of the Committee wrote to the Chargé d'affaires a.i. of the Permanent Mission of the Sudan asking why approval in advance by the Committee had not been sought by the Government of the Sudan in accordance with paragraph 7 of resolution 1591 (2005) for military equipment reported to have been shipped into the Darfur region and subsequently reported upon by the Panel (see S/2006/65).

81. The Panel is aware that, in its reply to the Chairman's letter, the Government of the Sudan conveyed clarifications regarding its position on seeking advance approval from the Committee in connection with the transfer of troops, arms and related materiel to Darfur. In addition, a senior Government official, at a meeting with the Panel, stated that the Government had a sovereign right to transfer weapons and additional military personnel into Darfur without obtaining the specific permission of the Security Council. He went on to say that the Government considered the rebel factions that are non-signatories to the Darfur Peace Agreement to be terrorists that "must be crushed".[1]

82. On 27 June, the Panel travelled to the area of Korma to gather details on an attack alleged to have taken place between elements of the Sudanese armed forces and SLM/A (AW). In addition to numerous cartridge casings from small arms and heavy weapons, the Panel found an ammunition box with a label providing handling instructions for the ammunition as well as the name of a company based in a State outside the region, which is believed to be the producer of that specific ammunition. In August 2006, while in the Sudan, the Panel met with a representative of the State in which the company is believed to be based, and details regarding the factory were requested. The representative stated that he knew nothing about the factory and that the sale of arms and ammunition by private companies based in his country was not permitted. The Panel subsequently wrote to the Permanent Mission to the United Nations of the State concerned to request further details regarding the factory.

[1] Meeting in a government office in Khartoum on 20 July 2006.

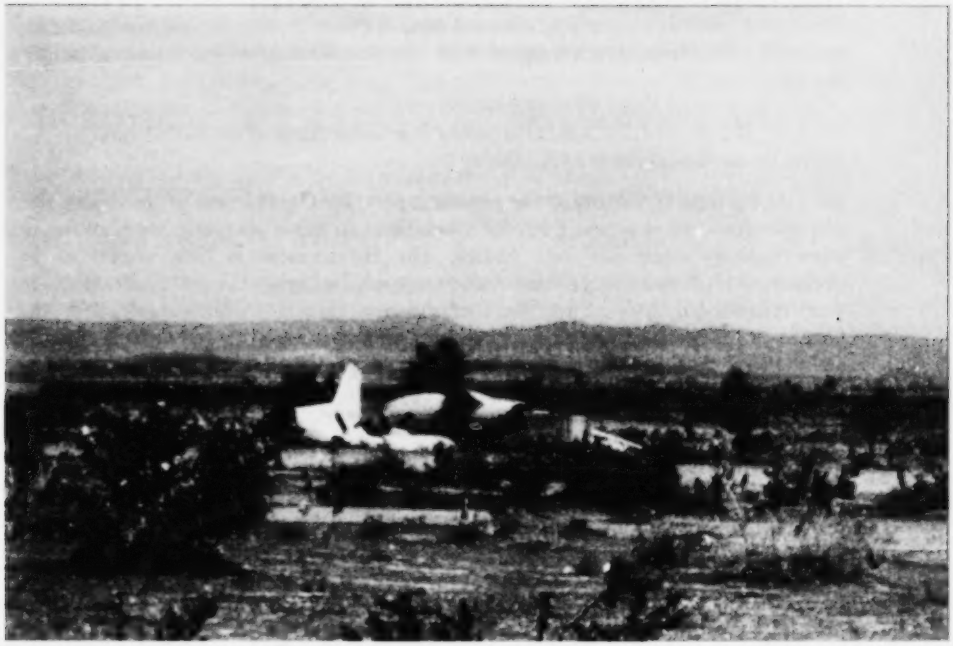


Figure 2
Antonov 12 aircraft at Geneina airport on 14 July 2006

83. On 14 July 2006, an Antonov 12 aircraft of the Government of the Sudan crashed on landing at Geneina airport (see fig. 2). The airport fire brigade attended to the aircraft and crew. Subsequently, approximately 30 tons of ammunition were removed from the aircraft and moved into Geneina. Reliable sources informed the Panel that this was one of several similar military shipments by the Government of the Sudan during the past few weeks.

Figure 3
Ilyushin 76 aircraft at El-Fasher airport on 31 July 2006

84. On 31 July 2006, at approximately 1400 hours, the Panel witnessed approximately seven Toyota pickup trucks mounted with light machine guns and a large number of troops of the Sudanese armed forces being unloaded from an Ilyushin 76 at the El-Fasher airport (see fig. 3). Reliable sources stated that this was only one of approximately 10 such flights that had landed during the past week. Such daylight transfers of military personnel and equipment using commercial air cargo companies are blatant violations of the arms embargo and are indicative of a significant attitude shift on the part of the Government of the Sudan regarding its adherence to the sanctions imposed by the United Nations.

85. In addition, the Government of the Sudan continues to use white aircraft similar to those used by AMIS, the United Nations and some international non-governmental organizations.

86. On 6 August 2006, rebel forces claimed to have engaged and shot down a Government of the Sudan Antonov type 24 or 26 aircraft. Coincidentally with the claim, a similar aircraft crash landed at El-Fasher airport on 7 August. Specific battle damage could not be seen.

Figure 4
Mi-24 Hind attack helicopters at Geneina airport on 3 August 2006

Deployment of additional attack helicopters

87. The Panel, in its first report (S/2006/65) stated that it had observed a total of six Mi-24 Hind helicopters that had been redeployed to Darfur in violation of paragraph 7 of resolution 1591 (2005) and that two such aircraft were present at each of the airports in El-Fasher, Geneina and Nyala. On 3 August 2006, while travelling from Geneina to El-Fasher via Nyala, the Panel observed a total of eight such helicopters, three at Geneina (tail numbers 918, 929 and 930) (see fig. 4), two at Nyala (tail number 922) and three at El-Fasher.

C. Observations and recommendations

Internal movement of military goods and equipment from other parts of the Sudan into Darfur

88. On the basis of evidence gathered, the Panel concludes that the Government of the Sudan continues to violate the arms embargo by transferring equipment and related weapons into Darfur, supplying the Janjaweed with arms and ammunition, and receiving support from the Janjaweed and Chadian rebels for attacks by the Sudanese armed forces against rebel groups. The Government of the Sudan remains adamant that it has the right to transfer troops and equipment into Darfur without reference to the sanctions Committee.

Recommendations to strengthen the arms embargo

89. The Panel presents the following recommendations and requests that they be considered for timely implementation.

Recommendation 5. Verification of arms and ammunition

90. In its first report (S/2006/65, paras. 135 and 136), the Panel recommended that a verification be undertaken in order to develop an arms inventory as a way to assist in monitoring the implementation of the arms embargo and that this be undertaken by a specific verification component. It would appear that under article 27 of the Darfur Peace Agreement, in the limited arms control phase, such a verification might be achieved. Should this not occur, then the recommendations in paragraph 59, table 1, of the Panel's second report (see S/2006/250) regarding a verification component should be implemented.

Recommendation 6. End-use certification

91. The Panel makes the following recommendations relating to end-use certification:

(a) In the context of the present arms embargo, it is recommended that countries which conduct trade in military goods and services with the Sudan implement a self-imposed requirement for end-use certification. The supplying State would request the Government of the Sudan to provide an end-use certificate, which would state the destination of the respective military goods and services. The Panel notes the potential risk that military goods and services exported to the Sudan may be diverted to the embargoed states of Darfur. By insisting on end-use certification, the Sudan's trading partners could play a more active role in ensuring that military goods which originate from their ports are not diverted to Darfur. End-use certification could be more effective if those countries follow up with their own verification checks to trace goods that are at risk of being diverted into Darfur.

(b) The Panel also recommends that the Committee request Member States that provide arms, ammunition and other military equipment and dual-use items to the Sudan to submit a prior notification to the Committee. This information would also assist the Panel to better monitor and notify Member States of goods that are reportedly diverted to Darfur.

V. Regional and international customs and border control measures

A. Overview

92. As indicated in the Panel's second report (see S/2006/250), effective implementation of the arms embargo relies heavily on the cooperation of all Member States. However, information received by the Panel indicates that arms, ammunition and transport vehicles continue to be supplied by some Member States to the parties in conflict in Darfur.

93. The Panel continues to work to seek confirmation of reports which indicate that weapons and ammunition are smuggled into Darfur by unknown elements in

Eritrea through unmanned borders. There are similar reports about supplies coming from the Libyan Arab Jamahiriya and Chad.

94. During the visit to rebel groups' locations in Darfur, the Panel came across some empty ammunition boxes with the names of Sudanese companies as well as companies based outside the Sudan. The Panel is aware that the Government of the Sudan regularly imports arms and ammunition from various sources. When questioned about that ammunition, officials of the Government mentioned that some of the ammunition could be that which had been stolen by the rebels from Government depots or taken during the attacks on the Sudanese armed forces or the police. The Panel recognizes that importation of arms by the Government of the Sudan is not affected by the arms embargo, but it also notes that the Government has the responsibility of ensuring that the arms and ammunition imported by it do not enter Darfur and fall into the hands of the rebel forces there.

95. During the meeting with the Chief of Customs of the Sudan, the Panel was informed that the Customs department had stopped operating in Darfur along the border with Chad in 2003. Earlier, regional border posts had been located at Mellit, Tina, Geneina, Wakhaim and Uweinat. A discussion with the Director General of Customs of Chad also revealed that on the Chadian side of the border, there was a Customs presence only at one border point, Adre. The border checkpoints of Iriba, Guireda, Muzbat and Gazbeda are not operational now. This means that currently there is no Customs presence on either side of the international border between Chad and the Sudan touching the Darfur region to effectively stop the smuggling of arms, ammunition and vehicles or to enforce the travel ban and financial sanctions.

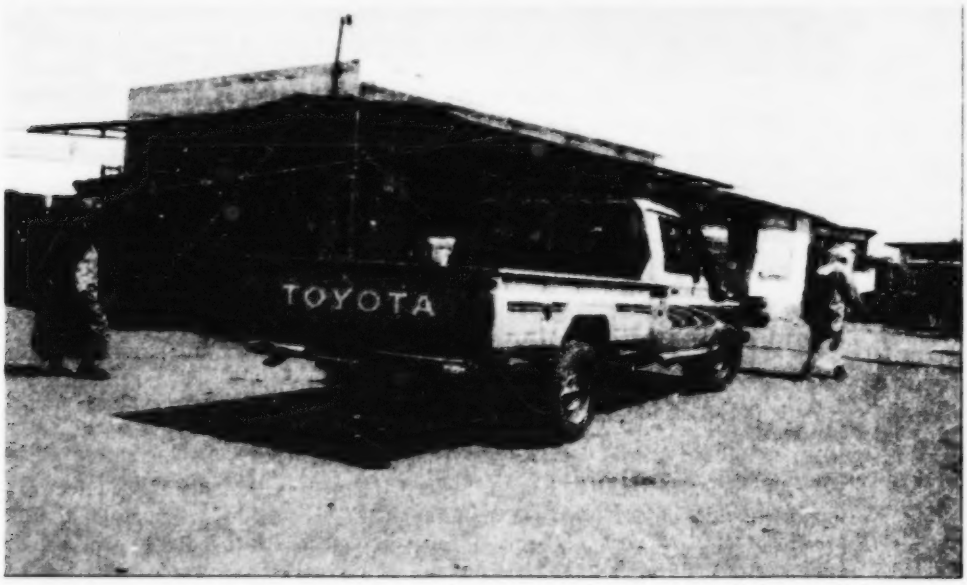


Figure 5
Chadian vehicle at Geneina on 3 August 2006

96. The border of the Sudan with Chad, the Libyan Arab Jamahiriya and the Central African Republic is very long and is not manned by Customs. Evidence of the cross-border movement of arms mounted on Toyota pickups has been received by the Panel. In the border town of Geneina in Darfur, there is a large number of vehicles, mounted with light machine guns, coming from Chad (see fig. 5). These facts have been confirmed by officials of the Government of the Sudan, but refuted by the Chadian authorities. Both Governments, however, admit to the porous nature of their international border and the possibility of cross-border smuggling owing to the absence of Customs or any effective agency to man the borders.

97. The lack of effective control by both Governments has allowed the activities of rebels and bandits to flourish. Vehicles and cattle stolen from either side cross the border, and the sale proceeds are often used to finance the rebel movements in both countries. Case study 13 is indicative of such activities that take place unabated.

98. Information received by the Panel from reliable sources also indicated that the Government of the Sudan regularly imported Toyota pickups and Land Cruisers through Port Sudan and that in July it had imported vehicles from Saudi Arabia through Port Sudan, which were then taken to Khartoum and fitted with light machine guns prior to their shipment to the Darfur region. On 6 August at El-Fasher, the Panel witnessed a convoy of new Toyota Land Cruisers mounted with light machine guns moving on the road in front of the headquarters of the western command of the Sudanese armed forces. In the section on the arms embargo above, instances of transportation of vehicles by Ilyushin 76 aircraft have been detailed by the Panel. This is in direct contravention of paragraph 7 of resolution 1591 (2005).

99. In an effort to find evidence to establish the linkage between the arms, ammunition and vehicles found in Darfur with individuals or agencies supplying the same by violating resolution 1591 (2005), the Panel requested the Director of Customs of the Sudan to provide some information about the import of arms, ammunition and vehicles, to provide related documents and to arrange for a meeting with the Customs agents who cleared the consignments on behalf of the Sudanese armed forces and the police.

100. The Panel visited Port Sudan and held discussions with the local Customs regarding clearance procedures for military imports and requested information relating to the same. However, the Panel was advised to contact the Customs headquarters in Khartoum. The Panel was informed that although imports by the Government of the Sudan were dutiable, the documentation for the same, on behalf of the Sudanese armed forces and the police, were handled by special agents and that those military consignments were immediately cleared by Customs without examination or inspection. Payments of Customs duties are deposited by the Government of the Sudan with Customs in advance, and are adjusted periodically based on actual imports.

Figure 6
Unmarked white vehicles at Port Sudan on 26 July 2006

101. The Panel visited the port and witnessed a large consignment of imported Land Rovers, painted off-white (see fig. 6). Similar vehicles were been seen by the Panel in Darfur, being used by NGOs and aid agencies. There are also unconfirmed reports of the use of such white-painted vehicles in Darfur by the Government of the Sudan and other Janjaweed/militias supported by it to camouflage them as NGO vehicles.

102. When asked who had imported the vehicles, the Customs officials initially informed the Panel that they had been imported by non-governmental organizations but, when the Panel examined the documentation, it was seen that the vehicles had been imported by a different entity, and that a bank was shown as the consignee. The Panel was subsequently informed that those vehicles were actually meant for the Sudanese police. The Panel wanted to examine the documents further and discuss details with the importers to ascertain their relationship with the police, the actual user, but this could not be facilitated by the Government of the Sudan during the Panel's stay in the Sudan. As a result, this aspect of the enquiry could not be completed. At the time of writing, no such information had been received. An additional request was submitted on 28 August 2006 through the Permanent Mission of the Sudan to the United Nations.

103. This is a case in point to suggest the necessity of a robust verification mechanism vis-à-vis the end-users so as to ensure effective implementation of the arms embargo in Darfur.

B. Recommendations

Recommendation 7. Technical assistance

104. The Panel recommends that an additional in-depth assessment be undertaken of the Customs and border control capacity of the countries bordering Darfur. Information garnered should be used to determine the level of assistance to be given

to those States to build their capacity to implement the arms embargo. The Committee could also invite those neighbouring States to communicate such needs in writing to the Committee.

VI. Monitoring implementation of targeted financial and travel-related sanctions

A. Travel ban and financial sanctions

105. By its resolution 1672 (2006), the Security Council designated the following persons as subject to the targeted sanctions imposed by resolution 1591 (2005):

1. Major General Gaffar Mohamed Elhassan (Commander of the Western Military Region for the Sudanese armed forces)
2. Sheikh Musa Hilal (Paramount Chief of the Jalul Tribe in Northern Darfur)
3. Adam Yacub Shant (Sudanese Liberation Army Commander)
4. Gabril Abdul Kareem Badri (National Movement for Reform and Development Field Commander).

106. Under the terms of paragraphs 3 (d) and 4 of resolution 1591 (2005), all States shall take necessary measures to prevent entry into or transit through their territories of all those persons designated. All States shall freeze all funds, financial assets or economic resources that are on their territories as on 25 April 2006 or at any time thereafter, that are owned or controlled, directly or indirectly, by designated persons or that are held by entities owned or controlled, directly or indirectly, by such persons or by persons acting on their behalf or at their direction. All States shall ensure that no funds, financial assets or economic resources are made available by their nationals or by any persons within their territories to or for the benefit of such persons or entities.

107. During a meeting with the Chief of the Immigration Department of the Government of the Sudan, the Panel was informed that instructions for enforcing the travel ban on the persons designated by the Security Council were to be received from the Attorney General of the Sudan and that no such instructions had been received by the Department as of that date. In the absence of any instructions, the immigration officials have not implemented resolution 1672 (2006) in respect of the four designated individuals. The Panel wished to meet the Attorney General to ascertain the latest position but because of his busy schedule he was never available for discussion. Instead, representatives from the Ministry of Justice met the Panel on 29 July and said that the matter was under examination. Ministry officials informed the Panel that under Sudanese law assets could be frozen only under orders of the competent judicial authorities and not by any other authority. Since there were no such judicial orders in respect of the designated persons, the matter will be examined in detail by the Ministry of Justice and, based on its decision, appropriate action will be taken.

108. The Panel enquired whether Security Council resolution 1267 (1999) concerning Al-Qaida and the Taliban, which envisaged the freezing of assets of designated individuals and entities, was being implemented by the Government of the Sudan and, if so, how the obstacle of judicial orders was overcome in that case.

The Panel was informed that resolution 1267 (1999) was implemented by the Government of the Sudan but, since the matter pertaining to resolution 1672 (2006) involved Sudanese nationals, it required further examination.

109. Prior to their departure from the Sudan on 11 August, the Panel members did not have the opportunity to meet and have a discussion with the Attorney General and were informed by an official from the Ministry of Foreign Affairs that no decisions had been taken by the Government regarding the implementation of resolution 1267 (1999). Although the travel ban is not applicable to the nationals of a Member State, there are contradictory reports about the nationality of some of the designated persons. In any case, financial sanctions are applicable to all individuals, including a State's own nationals, and hence the Government of the Sudan should have implemented the resolution.

110. Since resolution 1672 (2006) provided only a few details on those persons, such as names and professional or functional titles, the Panel requested additional information from the Government of the Sudan, which has yet to be provided.

111. The Panel has learned that Major General Gaffar Mohamed Elhassan, the first individual on the list, is no longer functioning as the Commander of the Western Military Region for the Sudanese armed forces in El-Fasher but is working in some other capacity for and receiving a salary from the Government of the Sudan. According to the aforesaid guidelines of the Committee, Member States have to approach the Committee for exemptions to the assets freeze pursuant to paragraph 3 (g) of resolution 1591 (2005) that have been determined by relevant States to be necessary for basic expenses or required under specified situations. The Government of the Sudan has not yet approached the Committee for exemptions to assets freeze and for the payment of professional fees to Major General Gaffar Mohamed Elhassan, thereby violating the provisions of resolution 1672 (2006) and the guidelines.

112. Sheikh Musa Hilal, the second individual on the list, who is the leader of the Janjaweed, is reportedly living in the Sudan and continues to exercise considerable influence. Recently, he was involved in organizing the conspicuous Janjaweed participation in the military operation at Jebel Moon. While touring Darfur on the occasion of the national day on 9 July, President Omar al-Bashir reportedly left the ceremonies in El-Fasher to pay him a visit and reassure him against a possible disarmament under international pressure.

113. According to one reliable source, Sheikh Musa Hilal keeps moving freely with a number of Land Cruisers. However, his assets have yet to be frozen by the Government of the Sudan. Since only his name and functional title were provided in the resolution, the Panel obtained copies of his photograph from open sources (see annex IV). In order to facilitate his identification by the competent authorities, the photograph may be circulated to Member States.

114. The whereabouts of Adam Yacub Shant (Sudanese Liberation Army Commander), number 3 on the list, are not known. Unconfirmed reports indicate that his forces continue to harass civilians in the Shadad camp for internally displaced persons.

115. Regarding Gabril Abdul Kareem Badri, Field Commander of the National Movement for Reform and Development, number 4 on the list, there are contradictory reports. Reliable sources indicate that he is not active in Darfur but

has moved to Chad and that his family is residing in the Abeche area in Chad. There is also unconfirmed information that he is a Chadian national. The Chadian authorities maintain, however, that he is neither a Chadian national nor does he or his immediate family live in Chad.

116. The Panel has written to 11 States in the region regarding the implementation of resolution 1672 (2006) and awaits their response. The Committee had written to those Member States previously, on 17 May 2005.

117. The Panel visited Chad and was informed that the Ministry of Justice was competent to issue instructions for the implementation of the travel ban and financial sanctions. During the meeting with the Minister of Justice on 16 August, he informed the Panel, however, that no such information about resolution 1672 (2006) had been received from the Ministry of Foreign Affairs. The minister in charge of immigration had earlier mentioned to the Panel that the designated persons were Sudanese nationals and well known to them and that in the event of their arrival in Chad through airports, they would be arrested. The Minister of Justice discounted this claim and clarified that no such person could be arrested by the immigration officials or police without proper authorization from the judiciary, and that in this case no formal orders had been issued as at that date by the Government of the Republic of Chad. It is thus clear that as at 16 August 2006, resolution 1672 (2006) has not been implemented by Chad.

118. The Panel had received information about financial and logistical support being provided to the rebels in Darfur by some persons, particularly the Sudanese diaspora living in countries in Europe, the Middle East and in the region. Under earlier mandates, the Panel had previously sought information from a Member State in respect of specific individuals alleged to be providing financial support to the rebels in Darfur and requested the Member State to facilitate the visit of the Panel, but no response was received. The present Panel followed up with that State and also requested other States for information, responses to which are still pending.

119. During the meeting with officials of the Government of France, some concerns were raised about the inadequacy of identifiers in enforcing the travel ban and asset freeze in respect of the designated persons.

B. Recommendations

Recommendation 8. Identifiers of designated persons

120. The Panel makes the following recommendations concerning designated persons:

(a) The Panel feels that Member States may be requested to provide sufficient details about the designated persons, which could then be circulated to Member States for effective enforcement.

(b) The Panel has taken a proactive approach in facilitating effective implementation of resolution 1672 (2006). For easy identification of Sheikh Musa Hilal by the competent authorities, his photograph (see annex IV), may be circulated to Member States. The Panel does not have the photographs or other identifying particulars of the remaining three designated persons.

121. To ensure effective implementation of resolution 1672 (2006), the Panel makes the following recommendations:

Recommendation 9. Special agreement with Interpol

122. As in the case of the individuals designated by the Committee established pursuant to resolution 1267 (1999), the United Nations may consider entering into an agreement or arrangement with Interpol for issuing appropriate special notices or alerts in respect of the individuals designated by the Security Council concerning the Sudan. This may help in the more effective implementation of resolution 1672 (2006).

Recommendation 10. Transit passengers

123. The Panel has determined that, in some States, instructions regarding the travel ban are issued only to the officials of border agencies, such as immigration and Customs. The Panel is concerned that unless airlines and other related agencies are informed of the travel ban, passengers in transit may pass through a State, as they may not be required to report to immigration or Customs authorities.

VII. Individuals who impede the peace process, commit violations of international law or are responsible for offensive military overflights

A. Overview

124. The Panel is identified in paragraph 3 of resolution 1591 (2005) as a source of information to the Committee on individuals who (a) impede the peace process or constitute a threat to stability in Darfur and the region; (b) commit violations of international humanitarian or human rights law or other atrocities; (c) violate the arms embargo; or (d) are responsible for offensive military overflights.

125. This section presents the findings and recommendations of the Panel.

B. Individuals who impede the peace process or constitute a threat to stability

126. In its previous report, the Panel presented a set of 10 criteria to guide its provision of information to the Committee on individuals who impede the peace process or constitute a threat to stability in Darfur or the region (see S/2006/250, annex II). The Panel has reviewed and refined those criteria, and the new set of criteria is set out in annex II to the present report. The updated criteria serve as categories of acts of omission or commission that constitute impediments to the peace process or threats to stability.

127. Following the approach adopted by the previous Panel in the presentation of information to the Committee, the present Panel is providing information on specific individuals, identified by the Panel as committing acts falling within the categories mentioned in annex II, confidentially to the Committee in a separate document.

C. Violations of international humanitarian or human rights law

128. The Preamble to the Darfur Peace Agreement explicitly condemns all acts of violence against civilians and violations of human rights and stresses full and unconditional acceptance of obligations under international humanitarian law, international human rights law, and relevant United Nations Security Council resolutions. Article 3 of chapter one (power sharing) is devoted to human rights and fundamental freedoms. Those provisions are in line with former ones which were signed by the Government of the Sudan and the rebel groups, such as the N'Djamena Humanitarian Ceasefire Agreement in April 2004 and additional Protocols.

129. The AMIS mandate, which was assigned to it by the AU Peace and Security Council in October 2004, specifically includes the obligation to protect civilians whom it encounters under imminent threat and in the immediate vicinity, within resources and capability, it being understood that the protection of the civilian population is the responsibility of the Government of the Sudan.

Actions taken by the Advisory Council for Human Rights, Ministry of Justice of the Sudan

130. In line with that commitment, the Government of the Sudan Advisory Council for Human Rights, which received the Panel in Khartoum, has taken some positive measures. The Panel was provided with a copy of the decisions taken by the Governor of Southern Darfur regarding the procedural process concerning cases of sex and gender-based violations brought to the police and the judiciary. This process exempts rape victims from filling out documentation with the police before seeking medical attention. This idea is to ensure the confidentiality necessary to protect the victim from the social stigma associated with rape. Those measures alone, however, cannot be considered as adequate protection for women. It is widely reported that Security Council resolution 1325 (2000) regarding the protection of women is routinely violated in Darfur. In fact, incidents of rape are on the rise. On 24 August 2006, the International Committee of the Red Cross/Red Crescent reported that more than 200 women had been assaulted in the previous five weeks alone around Kalma camp, the largest camp in Darfur for internally displaced persons.

131. In Nyala, the State Committee on Sexual and Gender-based Violence met on 24 August, with the situation in Kalma camp as its main agenda item. The UNMIS human rights component informed the Committee that 40 victims of rape had been interviewed during the month of July and that in addition, for various reasons, women were not willing to report the incidents to the police. The Committee reportedly accepted that there had been an alarming increase in cases of rape in Kalma during the previous five weeks. In response to the information presented, a request was made to AU to increase its presence and the number of firewood patrols, but the AU representative pointed to the lack of resources available to undertake this task.

132. The Government of the Sudan has established special institutions to deal with criminal acts occurring in Darfur: the Commission on allegations of violations committed by the armed groups in the Darfur states; the Commission to assess damage and losses of private properties in the Darfur states established by the

Presidential Decree of 18 February 2005; and the Special Criminal Court on Darfur, established on 16 November 2005, with courts in Geneina and Nyala.

133. The Panel had previously confirmed that the Government of the Sudan had established special courts to deal with criminal acts occurring in Darfur. Nevertheless, during her last visit in August 2006, the United Nations Special Rapporteur on the situation of human rights in the Sudan noted the delays in resolving many of the cases and the disappointing outcome of the courts' decisions. However, the widely publicized recent court decision to release a young girl who had killed her attempted rapist appears to be an exceptional treatment from a humanitarian perspective. Of special concern is the apathy of police authorities at the highest level, who tend to deny and reject the complaints of rape victims. This adds to the social stigma faced by the victim in her own community.

Reconciliation meetings and conferences

134. The Government of the Sudan has organized a number of conferences and meetings with tribal leaders which aim at settling current disputes, particularly those involving access to land, pasture and water. Nevertheless, it has been argued that the reconciliation conferences are quite different from the traditional ways of settling water and pasture disputes between pastoralists and farmers, as they are often organized without the participation of the legitimate leaders of the groups and, therefore, do not achieve a long-term resolution of the problem. AMIS, through its confidence-building patrols, has to a certain extent attempted to facilitate such meetings, for example, between the Fallata and Masalit communities in Tuwel, Southern Darfur, but without a lasting success.

Ongoing violations of human rights

135. Despite efforts by the Government of the Sudan to achieve a peaceful solution to the crisis, violations of international humanitarian and human rights law continue unabated since the signing of the Darfur Peace Agreement.

136. The violations can be grouped under four main items and are related to the behaviour of different perpetrators:

(a) Harassment of civilians;

(b) Military operations, including the destruction of villages;

(c) Disruption of economic activities and humanitarian aid;

(d) Recruitment of child soldiers.

Harassment of civilians

137. The harassment of civilians is linked to attacks by the Sudanese armed forces. The involvement of the Sudanese armed forces and the Janjaweed/armed militias is well known. Some rebel groups continue to engage in widespread violations of international humanitarian and human rights law in villages, presumably along tribal or ethnic lines. There are instances of harassment of Fur villagers by Zaghawa tribes in Southern Darfur and vice versa in Northern Darfur.

138. The following incidents that occurred during the month of July 2006 in Darfur have been reported to the Panel:

- On 23 July 2006, members of the Sudanese armed forces moving in a convoy of 26 vehicles, while passing through the village of Tawila, fired light machine guns and small arms into the village area creating a state of pandemonium within the local population.

- On 26 July 2006, internally displaced persons from the Dabanera and Argo camps (Tawila area) complained that they were being denied access to their fields by Zaghawa nomads. They also said that those found in their fields earlier had been beaten, that their personal items had been confiscated and that they had been told never to return.

- On 27 July 2006, between 0830 and 0900 hours a white helicopter circled the village of Tabra near Tawila three times, at low altitude. It was confirmed that this was neither an AMIS nor a United Nations helicopter and is, therefore, deemed to be an offensive overflight.

- On 28 July, 12 SLM/A (M) soldiers from Suswa, armed with grenades, intimidated the local civilian population, allegedly in an attempt to drive them into local camps for internally displaced persons.

- On 29 July 2006, the Umda (head) of the Shadad camp for internally displaced persons reported that the SLM/A soldiers deployed to protect the civilians while tending their fields in Hafara routinely harassed them once they were out of the camps. The SLM/A (M) Commander is believed to be Adam Yacoub Shant.

139. Police forces are unable to ensure law and order in and around the camps for internally displaced persons. There are reports of soldiers and Janjaweed freely entering the camps at night to harass and rob the inhabitants. Police stations at the camps are often closed at night, and humanitarian agencies are barred from staying in the camps.

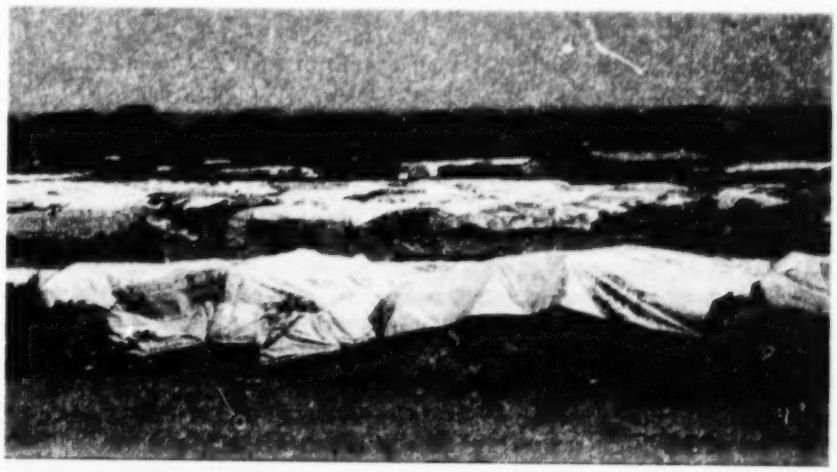


Figure 7
Camp for internally displaced persons at Ryad, Geneina, on 2 August 2006

140. Women in particular are targeted, particularly when they leave the camps to gather firewood. AMIS has not been able to provide adequate escorts for lack of resources.

141. Following demonstrations against the Darfur Peace Agreement in several camps for the internally displaced, a large number of civilians were detained by the National Intelligence and Security Service for long periods without being informed of the reasons for their detention and without charges being laid.

142. The National Intelligence and Security Service is still reported to be engaging in the arbitrary arrest and beating of civilians, who are routinely detained without trial. Unconfirmed sources indicate that such instructions are received from the National Intelligence and Security Service headquarters in Khartoum.

143. The following cases were reported to the Panel and confirmed by reliable independent sources:

(a) On 15 May 2006, officers of the National Security Bureau in Nyala summoned Mussaad Mohamed Ali, a lawyer and the coordinator of the Amal Centre in Nyala, and Adam Mohamed Sharif, a member of the Amal network of lawyers in Nyala, to their office. They were detained without charge for the day. On 16 May, Mr. Sharif was again detained for the day, while Mr. Ali was detained and subsequently released on 23 May, without any charge. These incidents highlight the conduct of the National Intelligence and Security Service towards civilians and human rights activists in the region;

(b) On 30 June, at 1340 hours, National Security Bureau officers in Nyala summoned an anti-Darfur Peace Agreement activist, Dr. Mohamed Ahmed Abdullah, to their office. Since he was about to participate in a meeting on the Darfur Peace Agreement, organized for the Fur community on the premises of the Ministry of Agriculture at the invitation of Mr. Omer Fur, the SPLM Agriculture Minister for Southern Darfur, he postponed his visit to the National Security Bureau office until after the meeting. At 1600 hours, during the meeting, approximately 150 armed officers surrounded the Ministry compound. About 50 of the officers entered the compound and announced their intention to arrest Dr. Mohamed for attending an illegal meeting under the State of Emergency rules and for being opposed to the Darfur Peace Agreement. Following the intervention of Mr. Omer Fur, he was released. This type of behaviour by the National Security Bureau is considered an impediment to the peace process and is a contributing factor in the destabilization of the region;

(c) Before the arrival of the AU/United Nations Technical Assessment Mission in Nyala, five leaders of the internally displaced persons were called in by the National Intelligence and Security Service and warned not to reveal anything to the members which could incriminate the Government.

Military operations and destruction of villages

144. Despite a reported reduction in attacks on villages during the period preceding and following the conclusion of the Abuja negotiations, some areas have been continuously targeted by Government-supported militias. This is so in the case of Gereida (Southern Darfur), which was investigated by the Panel.[2] The same period

[2] See case study 10.

was a time of armed confrontation between rebel factions trying to gain positions of strength at the expense of each other. SLM/A (M) is reported to have committed atrocities against the civilian population in some villages, in particular in and around Tawila.[3] According to internally displaced Fur arriving at the Zam Zam Camp on 8 July, members of the SLM/A (M) faction were indiscriminately killing, raping women and abducting civilians.

145. Since the signing of the Darfur Peace Agreement, military operations by all parties have taken on new momentum. The Sudanese armed forces, supported by Janjaweed and SLM/A (M) forces and strongly reinforced with additional equipment, have undertaken large-scale offensives towards Jebel Moon in Western Darfur and G19 strongholds in Northern Darfur.

146. The rebel factions, regrouped under the National Redemption Front, have also embarked on several offensive operations, including operations outside the Darfur region. On 3 July, the National Redemption Front, under the command of Adam Ali Shogar, travelling in approximately 50 cars, reportedly attacked and occupied the town of Hamrat el-Sheikh situated on the road between El-Fasher and Khartoum. Government sources reported that eight policemen, two security men and two women were killed in the fighting before the Sudanese armed forces retook the town.

147. Attacks by the Sudanese armed forces are at times preceded by Antonov aircraft bombings or Mi-24 helicopter machine gun and/or rocket attacks, aimed at intimidating the population and destroying village infrastructure (see paras. 201-214).

148. From 4 to 8 July, renewed fighting broke out in the Korma area between SLM/A (M) forces and the SLM/A (AW) forces controlling the area. The SLM/A (M) forces were reinforced by the Sudanese armed forces and Janjaweed. According to an Amnesty International report,[4] civilian casualties totalled 71 killed, 11 of whom were children, 103 injured and 39 raped. The ferocity of the killing and looting led the local people to call SLM/A (M) the "Janjaweed 2". According to the attackers, the villagers were being punished for opposing the Darfur Peace Agreement. The United Nations, which investigated the attacks, estimated the number of newly displaced for that week in Northern Darfur at 8,000.

149. The Panel has taken particular note of the following two incidents:

(a) Attack on Joghana on 24 April 2006;[5]

(b) Attack on the area of Jebel Moon (Western Darfur), on 25 July 2006.

150. In an attempt to dislodge JEM armed elements, a combined attack by the Sudanese armed forces and the Janjaweed was launched in the area of Jebel Moon (Western Darfur) on 25 July. The Sudanese armed forces are believed to have been resupplied with arms and ammunition through the Geneina airport. Musa Hilal augmented the attack with 1,000 Janjaweed regrouped from the Kebkabiya and Geneina areas. This offensive was aimed at cutting the supply routes of the rebels from neighbouring countries into Northern Darfur. On the way from Geneina

[3] Press conference given by the Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator on 11 July 2006.

[4] Amnesty International appeal: "Darfur: yet more attacks on civilians".

[5] See case study 10.

towards Kulbus and Gozmino, several villages were burned. The civilian population was severely affected by this devastating attack, which was condemned on 28 July in a joint statement by the Special Representative of the Secretary-General for the Sudan and the Special Representative of the Chairman of the African Union Commission in the Sudan.

Disruption of economic activities and humanitarian aid

151. One of the major effects of the Darfur crisis is the disruption it has had on the local economy. Agricultural production has fallen considerably owing to the exodus of the rural population and the continuous threat of the Janjaweed towards farmers. Cattle-rustling continues, thus devastating an already reduced livestock supply. In the areas of Hashaba, Tabra, Birka and Sarafaya, local farmers complain of livestock being stolen by the Janjaweed and Zaghawa herdsmen.

152. During its visit to Geneina, the Panel was informed by various sources of the continuous harassment by the Chadian rebel forces based in Geneina, which has disrupted commercial activity in the market and throughout the town.

153. Other disturbing activities include vehicle hijackings, which have recently become a routine occurrence throughout Darfur. The Panel has received detailed reports of abductions and killings of drivers and passengers. Such criminal activities have led to the disruption of commercial deliveries to villages and to delays and reductions in the delivery of humanitarian aid.

154. The hijackings are attributable to rebel factions in search of vehicles to meet their specific needs or to bandits who are looking for high-value items such as Thuraya satellite telephones and individuals who can be held for ransom. Recent hijackings suggest the presence of organized criminal networks involved in the sale of special vehicles throughout West Africa which can be provided on demand through ambushes on non-governmental organization, United Nations or AMIS vehicles.

155. Some non-governmental organizations have intimated that there is a direct link between the hijackings and the local authorities. This is based on the observation that some hijackings occurred at times and in locations known only to the Government of the Sudan Humanitarian Aid Commission. Such information is known only to those individuals handling government travel permits.

156. The provision of humanitarian aid is protected by international humanitarian law and should therefore not be hampered by any party. Nevertheless, the Panel believes that since the signing of the Darfur Peace Agreement the delivery of humanitarian aid is becoming more and more difficult.

157. New legislation enacted by the Government of the Sudan in March 2006 entitled "Organization of voluntary and humanitarian work act" is adding unnecessary delays and obstacles to the work of foreign non-governmental organizations, while the targeted harassment of national non-governmental organizations by the National Intelligence and Security Service is prevalent throughout the region.

158. The state of insecurity is increasingly hampering and sometimes paralysing humanitarian relief programmes. The supply of goods to remote camps or villages is uncertain and perilous at best. Several outposts have been closed after serious

incidents, including the killing of drivers and the abduction of passengers and staff members of non-governmental organizations.

159. Some rebel groups have also been accused of abducting drivers, aid workers, merchants and passengers while hijacking cars and trucks. Some of those cases might have been intended to collect ransom.[6] An Oxfam staff member was abducted on 3 May, which resulted in the closure by Oxfam of two of its offices in Northern Darfur on 10 July.

160. The possible withdrawal of international non-governmental organizations will lead to an unacceptable humanitarian situation, especially for those in the camps for internally displaced persons that rely almost entirely on the aid.

161. On 10 August, the Under-Secretary-General for Humanitarian Affairs stated that, currently, for humanitarian workers access to the region was at a record low. He added that the situation in the region, where the United Nations was operating its largest humanitarian operation, was going from very bad to catastrophic.

Recruitment of child soldiers

162. Recruitment of child soldiers is a breach of international humanitarian law and is explicitly prohibited by article 24 of the Darfur Peace Agreement. The Panel has witnessed the presence of soldiers who clearly appeared to be under the age of 18. During the visit of the Panel to Umm Sidr, some young soldiers stated that they had joined the armed groups after the death of their parents in armed confrontations.

Case studies

163. The following are case studies on violations of international humanitarian and human rights law investigated by the Panel during the present mandate:[7]

Case study 9
Sheiria, Southern Darfur

164. The Panel previously reported that SLM/A forces had attacked a Government of the Sudan military garrison and other government premises in Sheiria in September 2005. Zaghawa people living in the area were accused of supporting and collaborating with SLM/A and were subsequently victimized and attacked by Arab militia and the Sudanese armed forces, which compelled them to flee from Sheiria. Those acts were, inter alia, in violation of both international humanitarian and human rights law.

165. Geographic positions that the different groups occupied at the time of the signing of the Darfur Peace Agreement were being held and verified by AU in compliance with the terms of the Agreement.

166. The Zaghawa people who were forced to flee from Sheiria have not returned to their homes. The number of displaced persons who were sheltering near the AU camp has decreased to about 500 people. Those displaced persons have either moved into the SLA areas or to other permanent camps for internally displaced persons. The Zaghawa people are still prevented from drawing water from the

[6] See case study 13.

[7] Information on case studies 9 and 10 is additional to that contained in the previous report of the Panel.

communal well, and still do so only under AU escort. "Arab" militias are still present in Sheiria and environs.[8]

Case study 10
Gereida, Southern Darfur

167. In the latter part of 2005 and until the end of February 2006, there was a sharp increase in violations of the N'Djamena Ceasefire Agreement in the Gereida area accompanied by serious violations of international humanitarian and human rights law. These incidents were noted by the Panel in its previous report (see S/2006/250).

- Over 60 villages have been attacked and 300 people have died; many people were missing or had been abducted. Thousands of people had been displaced. Huge losses of property and livestock also occurred.
- The ongoing hostilities had severely restricted humanitarian aid to the area when it was most needed.
- The work of AU had also been severely restricted and AU personnel were threatened with attack and hampered by restrictions of movement that were forced on them by the parties who were engaged in hostilities.

168. After the renewal of the Panel's mandate, a follow-up investigation was undertaken by the Panel in Gereida in June 2006.

169. During March and April 2006, attacks continued on villages in the vicinity of Gereida:

- On 10 March, armed militia attacked the villages of Sugur, Mitea, Ruvina, Haraza, Chudul and Gundiko. Twenty-nine civilians were killed and 11 were injured. Two women were reported missing after the attack.[9]
- On 18 March, armed militia carried out attacks on villages to the north of Gereida. The villages of Abdus, Misroh Sanamanga and Abujabra Dakma were attacked. The attackers were described as Fallata and Maharia tribesmen, most of them wearing military uniform. Fourteen civilians were killed, including one woman, and seven were injured. Women were tortured and beaten in an effort to extract information about SLM/A.
- On 24 April, the Sudanese armed forces accompanied by a large militia force, attacked Joghana, a town held by SLM/A. The attack started at 0700 hours and continued until 1400 hours.[9] The Government of the Sudan forces comprised soldiers on Land Cruisers with mounted 12.7-mm light machine guns. The militia were on camels and horses. The ground forces were supported by two Sudanese armed forces Mi-24 helicopters and a white Antonov aircraft. Unconfirmed reports indicated that the Antonov dropped six bombs on the town during the attack. SLM/A reported that four of their soldiers were killed and seven injured. There were many civilian casualties, but the exact number has not been verified. More than 5,000 civilians were displaced by the attack and fled to different camps but mainly to the camp at Gereida, which now

[8] Interview with the Commanding Officer of AU in Sheiria and the interview notes of the Panel's investigator (name of witnesses withheld).

[9] Interview with AU officers based in Gereida and interview with reliable international observers based in Nyala.

holds over 100,000 internally displaced persons — largely displaced by the violence in the area since November 2005. The town is now under the control of the Government of the Sudan.

170. There have been no further attacks on villages. Humanitarian aid was becoming increasingly available in the area. Tension between the groups, however, remained high and the situation was still very volatile. Displaced persons had not returned to their homes.

171. The positions held by the groups at the time of the signing of the Darfur Peace Agreement were being held and were verified by AU. Hostilities of the militia against AU had ceased, but there were still areas that AU was prevented from patrolling or visiting.

172. However, attacks by militia forces against 13 villages east and north-east of Gereida in May caused the flight of 5,820 new internally displaced persons from the area of Dito-Malwi-Umm Boin.

Discussion and findings

173. The findings of the Panel can be summarized as follows:[10]

- The attacks in March and April followed the trend of violence that was identified by the Panel in its previous report. The attacks were perpetrated mainly against civilians and thus represent acts that may constitute violations of international humanitarian and human rights law.
- Militia groups associated with Arab tribes in the area of Gereida are being coordinated and supported by the Sudanese armed forces.
- The attacks constitute a violation of the N'Djamena Ceasefire Agreement and a threat to the stability in Southern Darfur.
- The use of military aircraft for the purpose of supporting the operations of offensive actions constitutes an offensive military overflight.

Case study 12[11]
Tawila Area, Northern Darfur, April 2006

174. This incident relates to internal fighting between different factions of SLM/A. The attackers were the SLM/A (M) faction who were apparently seeking to gain a territorial advantage in the Fur areas controlled by the SLM/A (AW) faction. The attacks were conducted on 19 and 20 April 2006.[12]

175. The attacks commenced in the morning with an initial attack on the village of Tina. It was launched from SLM/A (M) positions in Susuwa and was allegedly commanded by Ali Karibino, a Field Commander for Abu Digen based in Thabit.[13] The attacking force used 20 vehicles and a large number of camels and horses. The attackers were dressed in a combination of military and civilian clothes. Some of the

[10] The findings presented here should be considered in conjunction with the findings of the Panel in its original case study on Gereida presented in the Panel's second report (see S/2006/250).

[11] The numbering of the case studies continues from the 11 case studies presented in the Panel's previous reports.

[12] According to reliable information provided by international observers.

[13] Confidential information and interview notes of the Panel (name of witness withheld).

vehicles had 12.7-mm light machine guns mounted on them. The attackers were armed mainly with a variety of automatic assault rifles.[14]

176. The villages of Tina, Tina Shamal, Tina Madrasa, Tina Gharib, Tina Gharb, Dugo, Kalma, Kunda, Dugu, Mrite, Marfatta, Karta, Kullu, Shakshaku, Salahlaba, and Tabara were attacked successively over the two-day period.[15,16] The attackers' tactics were to cordon off a village by surrounding it with their vehicles. Mounted men entered the village firing indiscriminately at people who were fleeing, including women. People were beaten in attempts to extract information concerning SLM/A (AW). Houses were searched and property was stolen.[17] The attackers then moved on to the next village. The attack displaced more than 1,460 families.[18]

177. Six fighting men belonging to SLM/A (AW) were killed. They had all been shot in the head, apparently at close range, in what appears to be an execution.[19] Six civilians, including a woman, were killed. In respect of the woman, it is reported that there was an attempt to rape her. When she fled, she was shot in the back in the presence of her six-year-old daughter.[20]

178. One incident of rape was reported by a 25-year-old woman to a human rights officer. She was allegedly raped by three of the attackers after they discovered her hiding in her home. She was alone at the time.[21]

Discussion and findings

179. The findings of the Panel may be summarized as follows: The attack on the villages near Tawila has been factually established. It targeted mainly civilians and thus represents acts that constitute violations of international humanitarian and human rights law.

Case study 13
Raheb, near Northern Darfur, 6 June 2006

Introduction and background to the case

180. This case study describes an incident involving the hijacking of 12 commercial trucks and the kidnapping of a group of 47 people comprising drivers and passengers, seven of whom were young students. The details of the incident were obtained by the Panel from the owners of the trucks who were reportedly in contact with the hijackers by satellite (Thuraya) telephone.

Description of events

181. On 6 June 2006, 12 loaded commercial transport trucks were apparently hijacked by approximately 27 heavily armed members of SLM/A (AW) and JEM in

[14] Interview with eyewitness (name withheld) and additional confidential reports.
[15] Interview with eyewitness (name withheld) and additional confidential reports.
[16] Confidential information provided by international observers.
[17] Interview with eyewitness (name withheld) and additional confidential reports.
[18] The Sudanese Red Crescent reported the arrival of 1,460 families in Tawilla on 19 and 20 March 2006. They reported further that many families had sought refuge in the mountains.
[19] AMIS reports and information provided by credible observers.
[20] Interview conducted by international observers.
[21] Confidential report by reliable international observers.

the area of Raheb on the edge of the Darfur states. The trucks were travelling from Bir el Atroun to Nyala. The vehicles and captives were taken to Birmaza and Tina. According to the owners, the hijackers, who were in contact with the owners by Thuraya telephone initially, demanded a ransom of 25 million Sudanese dinars (SD) per vehicle. That demand was later reduced to SD 10 million. The hijackers also threatened to forcibly enrol the 47 hostages into the SLM/A (AW) and JEM.

182. The truck owners filed reports with the Sudanese police and AMIS. The owners also stated that members of the SLM/A (M) faction had indicated that the hijackers were led by a field commander, Suleiman Marjan, from SLM/A (AW).

183. A subsequent investigation by the Panel confirmed that five trucks remained in Birmaza, Northern Darfur, three were taken to Chad and two went to Birmo in Northern Darfur. The whereabouts of the remaining trucks are unknown.

184. The two trucks that went to Birmo have been reportedly repainted and are now being used by JEM. One truck was seized while attempting to cross into Chad at Geneina in Western Darfur, three trucks were returned to their owners after they paid SD 50 million to SLM/A (AW) and JEM through intermediaries. One truck was recovered by authorities at the Chad border near Tina, Northern Darfur.

185. All those kidnapped were released on 5 August 2006. Some had been beaten and threatened with death.

Discussion and findings

186. The hijacking and kidnapping has been factually established. Those acts were perpetrated against civilians and thus represent acts that may constitute violations of international humanitarian and human rights law.

Case study 14
Fighting between SLM/A (M) and G19 factions at Kulkul (Northern Darfur)

Introduction and background to the case

187. This case study describes an incident at Kulkul in which two rival factions fought with each other to expand their area of control, which resulted in death and casualties.

Description of events

188. The Panel visited Umm Sidr on 30 June and met some of the members and leaders of the G19. They spoke, inter alia, about an attack on them by the SLM/A (M) faction at Kulkul, which resulted in the death and injury of a few civilians and their soldiers.

189. The Panel visited Kulkul on 1 July and met a few members and the local commander of the SLM/A (M) faction. They confirmed their fight with the G19 but put the blame on the G19 for attacking them. They informed the Panel that the fight had continued for four days and that they had been surrounded until their rescue forces came from other places in 18 vehicles and pushed the attackers out of Kulkul. In the process, three of their soldiers were killed and some injured. They also admitted having arrested some of the attackers whom they released later. They said that AMIS had been informed about the attack by telephone and that the injured had

been taken by AMIS helicopter to El-Fasher for treatment. They did not confirm any civilian casualties but mentioned their attack on a car used by the attackers, which was burned, possibly resulting in a few deaths.

Figure 8
Burned car at Kulkul, 1 July 2006

190. The Panel visited the site of the attack near Kulkul and saw a burned car (see fig. 8). There were empty magazines, hundreds of shell casings and shoes lying around the car. From the scene, there appears to have been a fierce battle between the two factions.

191. On 2 July, the Panel met the Vice-Chairman of the AU Ceasefire Commission, who confirmed the incident and said that the attack had taken place on 11 June and that on 13 June he had received a telephone call directly from Minawi requesting him to evacuate a few injured persons. He personally went to the site near Kulkul to evacuate the injured persons. About 25 persons were evacuated in the AMIS helicopter — 13 in the morning and 12 in the afternoon. One of them succumbed to injuries later.

192. On 5 August, the Panel met Minawi and enquired about the incident. He confirmed the statement of his field commander that it was an attack by the G19 and also said that he had called the Vice-Chairman of the Ceasefire Commission about the incident, who had come personally and arranged for the evacuation of his injured soldiers.

Discussion and findings

193. This case demonstrates the ongoing power struggle between the signatories and the non-signatories to the Darfur Peace Agreement and the frequent changes in their respective areas of control.

Case study 15
Near Donkey Duhush, Northern Darfur, 9 July 2006

Introduction and background to the case

194. This case study describes an incident that involved the kidnapping, imprisonment and torture of civilians and is attributed to members of the G19. The details of the incidents were obtained at first hand from one of the victims.

Description of events

195. On approximately 9 July 2006, the individual interviewed by the Panel and three other males were captured by members of the G19 driving in three Toyota pickups equipped with vehicle-mounted light machine guns with Chad vehicle registration plates. One individual was killed while trying to escape. The remaining three captives, together with 10 others already in custody, were taken to a detainment camp near Donkey Duhush, which reportedly contained in excess of 100 detainees. The captors were identified as Ibrahim Marjan, Siddiq Burra, Adam Bahkeet, Omar Musa, Andolof Thigre and Suleiman Thigre. After six days of detention, beatings and little food, the three men were removed from the camp under the pretext of being set free. The interviewee, however, overheard plans to execute them because they were believed to be related to or to be members of Minni Minawi's Zaghawa Doumi clan. Later that day, the three escaped and the interviewee succeeded in reaching the camp for internally displaced persons at Kutum, where he was sheltered and fed for four days prior to being sent to El-Fasher. The whereabouts of the other two escapees are not known.

Discussion and findings

196. The findings of the Panel can be summarized as follows: The attacks were perpetrated against civilians and thus represent acts that may constitute violations of international humanitarian and human rights law.

Case study 16
Villages of East and West Korma, 13 and 16 July 2006

Introduction and background to the case

197. This case study describes two separate incidents of torture in the villages of East and West Korma on the dates specified, allegedly by members of the SLM/A (AW) rebel faction. The details of the incidents were obtained at first hand from the victims, who were interviewed by the Panel.

Description of events

198. On 13 July 2006, the village of East Korma, Northern Darfur, was attacked by rebels allegedly under the command of General Tarada, Chief of Staff of the SLM/A

(AW) faction. Following the attack, two men and three women were removed from the village by the rebels. The captives were able to identify Adam Haroun, Abdulrahim Mohamed and Yakub Adam Mohamed, all members of the SLM/A (AW) faction. The captives were taken on foot to a camp at Mount Near, east of Shama in Korma. The men were whipped for seven days, then castrated, and were beaten on the head with metal piping. The witness managed to escape after 14 days in captivity. He does not know the whereabouts of the other male captive, Adam Juma Adam, but suspects he may have been killed. The witness alleges to have seen approximately 34 other captives killed during his period of detention.

199. On 16 July 2006, the village of West Korma, Northern Darfur, was reportedly attacked by members of SLM/A (AW), again under the command of General Tarada. The three female witnesses identified Yakub Adam Mohamed and Adam Haroun, two of the individuals reportedly involved in the attack on East Korma three days earlier. The attackers demanded money from a number of the villagers, including one of the female witnesses, who was eight months pregnant at the time. Her beating in the abdominal region resulted in a miscarriage a short time later.

Discussion and findings

200. The findings of the Panel can be summarized as follows:

- The attacks were perpetrated against civilians and thus represent acts that may constitute violations of international humanitarian and human rights law.
- Reports on both incidents were filed with the police, but the witnesses are unaware of any follow-up action or investigation.
- General Tarada is a member of the Fur tribe. The male witness who was castrated is from the Zaghawa tribe and the female witness who was beaten and later had a miscarriage is from the Tunjur tribe and is married to a member of the Zaghawa tribe. It is possible that ethnicity played a role in the events.

D. Offensive military overflight

201. On 30 June 2006, Panel members travelling by UNMIS helicopter visited Umm Sidr, a position in Northern Darfur held by the G19. During discussions with some of the rebel leaders, soldiers and villagers, at about 1200 hours they observed an unmarked white Antonov aircraft circling the area for approximately 45 minutes. The villagers and rebel leaders told the Panel that it was a Government of the Sudan military aircraft, painted white to camouflage as a United Nations or AMIS aircraft, that such intimidating overflights were a regular occurrence in their area, and that they felt threatened as the aircraft often came close to the ground. The Panel members noted the location of the place on the GPS monitor at 25° 09' 15" East and 14° 25' 23" North.

202. On arriving at El-Fasher airport, the Panel members were questioned by two officials from the military intelligence of the Government of the Sudan regarding their travel without the permission of the Government. They also wanted to know if the names of the Panel members appeared on the passenger manifest. The Panel explained that they were carrying out their job according to the mandate of the Security Council and that the Government had told them that there was no restriction on their freedom of travel within the Sudan, including the Darfur region.

There was therefore no need for any specific permission from the Government. The officials then explained that their duty was to ensure the safety of the Panel members. Considering the exact timing of the arrival of the intelligence officials at El-Fasher airport, when the helicopter carrying the Panel members landed there, it appeared that the Government of the Sudan was monitoring the movements of the Panel members.

203. Regarding the overflight, the same officials said that it was not a Government of the Sudan aircraft and that it could be from Chad. Considering the distance of the place of occurrence from the nearest border with Chad, it appears unlikely that the aircraft could travel such a distance within the airspace of the Sudan without the knowledge of the Government.

204. During their visit to Chad, the Panel made enquiries with the Government of Chad, who discounted the allegation of the Government of the Sudan as baseless, as they did not own any Antonov aircraft. This was later confirmed by officials of both the Embassy of France and the French forces stationed in Chad.

205. The Panel members made enquiries with UNMIS and AMIS officials, who categorically denied that any of their aircraft had circled over Umm Sidr on that day. An AU official, however, gave information about the existence of six white aircraft being used by the Government of the Sudan. Similar reports about the use of white aircraft have been received from other sources. Such a practice poses a grave threat to humanitarian agencies, the United Nations and AMIS operating in the Darfur region. This could lead to misidentification and possible engagement of aircraft by rebel forces. The Under-Secretary-General for Humanitarian Affairs recently said that this was again a violation of international principles and posed a direct threat to the United Nations and non-governmental organization staff who travel on the white helicopters that are neutral, impartial and should not be attacked.

206. In its comments on the Panel's previous report, the Government of the Sudan stated that it does not have any white fixed-wing aircraft and that all its aircraft bear logos or emblems. In the same document, however, the Government did admit to using white helicopters for the transport of officials and tribal leaders attending reconciliation meetings, but not for any military purposes.

Figure 9
Unmarked white Antonov aircraft at El-Fasher airport on 7 August 2006

207. Contrary to the claim of the Government of the Sudan, on 7 August, the Panel saw one white Antonov aircraft stationed at the El-Fasher airport bearing two numbers: one on its tail (7705) and another on its body (26563) (see fig. 9). The aircraft did not bear any emblem or logo. Since the aircraft was guarded by the Sudanese Armed Forces, it is believed to be a Government of the Sudan aircraft.

Figure 10
Second unmarked white Antonov aircraft landing at El-Fasher airport on 7 August 2006

208. The Panel saw another white Antonov aircraft bearing the letters ST *ZZZ* on its body, which landed at the El-Fasher airport at about 1030 hours on 7 August (see fig. 10). This aircraft also did not bear any emblem or logo.

209. The Panel is convinced that the Government of the Sudan is in possession of and is using white aircraft but gave false and misleading information to the United Nations.

210. Pursuant to article 2 of the N'Djamena Agreement, during the ceasefire, each party to the Agreement shall, inter alia, refrain from any reconnaissance operations. Pursuant to the Abuja Protocol of 9 November 2004, the parties agreed to enhance and facilitate implementation of the N'Djamena Agreement, inter alia, by refraining from conducting hostile military flights in and over the Darfur region. Under the provisions of resolution 1591 (2005), the Government of the Sudan, in accordance with its commitments under the N'Djamena Agreement and the Abuja Security Protocol, must immediately cease conducting offensive military flights in and over the Darfur region.

211. Under the terms of article 24 of the Darfur Peace Agreement, any attempt by a party to disguise its equipment, personnel or activities as those of AMIS, United Nations agencies, the International Committee of the Red Cross/Red Crescent or any other similar organization is prohibited.

212. In the opinion of the Panel, the Government of the Sudan is undertaking aerial reconnaissance operations and conducting hostile and offensive military overflights in the Darfur region, which is a violation of resolution 1591 (2005), article 2 of the N'Djamena Agreement, the Abuja Protocol of 9 November 2004 and the Darfur Peace Agreement.

213. The Government of the Sudan continues to use unmarked white fixed-wing aircraft for aerial reconnaissance missions and hostile or offensive military overflights.

Figure 11
Unexploded bomb near the villages bombed on 31 July 2006

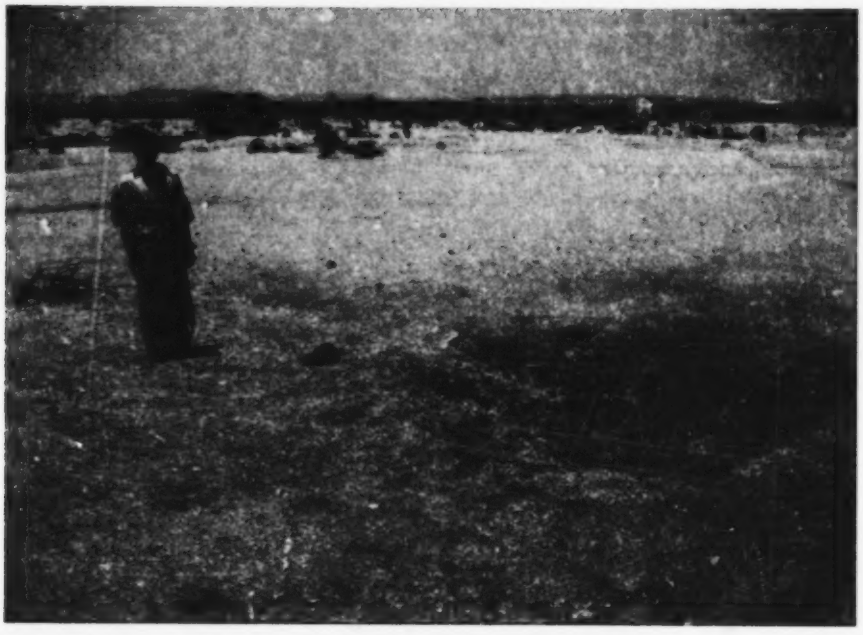


Figure 12
One-metre-deep bomb crater near the villages bombed on 31 July 2006

214. On 31 July 2006, a cluster of villages composed of Gimmeza, Bobai and Krekir, north of Kafod, were bombed by an Antonov aircraft (see figs. 11 and 12). The first bombing run started at 0900 hours with a nine-bomb stick to the west of the villages and 13 bombs to the east. At 1300 hours, the Antonov returned and again bombed the same area with a five-bomb stick to the east of the villages, a seven-bomb stick in the village gardens and eight bombs to the north. Two village huts were destroyed and some livestock were killed or injured. There were no human casualties. The same villagers also heard bombing in the area of Kulkul and Hashaba on 1 August.

E. Recommendations

215. The previous Panel had developed a number of criteria to assist in its determination of what might constitute an offensive military overflight. The criteria identified by the Panel include:

- Overflights in pursuit of a specific military objective that are undertaken for purposes other than defending the aircraft from a clear and imminent threat.
- Use of the aircraft to achieve a military advantage disproportionate to that required to neutralize a clear and imminent threat.
- Unprovoked attack with aircraft, such as strafing or bombing of villages.
- Use of aircraft in support of offensive ground operations.

- Retaliatory attack, that is, action in response to a prior attack.
- Flights that deposit troops participating in an imminent offensive operation.
- Operation of the aircraft in a manner to intimidate or harass, for example flying mock attack runs, frightening children and animals, destroying buildings with rotor wash and sonic booms and the like.

Recommendation 11

216. The present Panel endorses those criteria and would like to amend the last criterion by including the following:

> Operation of the aircraft in a manner to intimidate or harass, for example flying mock attack runs, frightening children and animals, circling over an area for a considerable period of time without any operational reason with the aim of scaring people and animals, destroying buildings with rotor wash, sonic booms and the like. (The underlined sentence is the additional criterion suggested by the Panel.)

Annex I

Meetings with institutions/officials

New York

At the United Nations

- Department of Security and Safety/East Africa Division
- Department of Political Affairs, Africa I Division
- Department of Peacekeeping Operations
- Office of Legal Affairs
- Executive Office of the Darfur Peace Agreement
- International Criminal Court
- The Sudan sanctions Committee

Paris

- Ministry of Foreign Affairs
- Ministry of Defence

N'Djamena

- Ministry of Foreign Affairs
- Ministry of Justice
- Ministry of Finance
- Ministry of Territorial Administration
- Ministry of Public Security and Immigration
- Director General of Customs
- Ministry of Defence
- Foreign Embassies
- United Nations Development Programme

Khartoum

- United Nations Mission in the Sudan
- African Union Mission in the Sudan
- Ministry of Foreign Affairs
- National Intelligence and Security Service
- Sudanese armed forces
- Customs and Excise Department
- Immigration Department

Ministry of Justice

Foreign Embassies

Darfur

United Nations Mission in the Sudan

African Union Mission in the Sudan (El-Fasher and sectors)

Tribal leaders (Northern Darfur)

Governors (Walis) of Northern Darfur and Western Darfur

SLM/A (M) and (AW)

G19

National Redemption Front

Representative of the Judiciary

Police force

Many NGOs

Camps for internally displaced persons

Port Sudan

Customs

Annex II

Categories of acts that impede the peace process or constitute a threat to stability in Darfur and the region

Category I

A. Consistent, wilful and systematic violations of the N'Djamena Ceasefire Agreement of 8 April 2004, including failure to:

- Refrain from any recruitment operations
- Refrain from any military action, and any reconnaissance operations
- Disengage and refrain from any deployment, movement or action which could extend the territory under its control or which could lead to a resumption of hostilities
- Stop laying landmines; mark and signpost any danger areas or minefields
- Refrain from supplying or acquiring arms and ammunitions
- Refrain from any act of violence or any other abuse on civilian populations
- Stop any act of sabotage
- Stop any restriction on the movement of goods and people
- Stop any form of hostile act, including hostile propaganda
- Ensure humanitarian access
- Refrain from any military activity which, in the opinion of the Ceasefire Commission or the Joint Commission, could endanger the ceasefire

B. Failure of belligerents other than parties to the N'Djamena Ceasefire Agreement operating in Darfur (e.g. militia groups) to cease hostilities and to desist from acts such as those identified in article 2 of the N'Djamena Ceasefire Agreement

Category II

Failure of the Government of the Sudan, SLM/A and JEM to abide by the provisions of the Abuja Protocol on the Enhancement of the Security Situation in Darfur (9 November 2004)

Category III

Failure of the Government of the Sudan to identify, neutralize and disarm Janjaweed and armed militia groups, in line with its commitments and obligations under the Protocol on the Enhancement of the Security Situation in Darfur mentioned above, relevant Security Council resolutions, especially resolution 1556 (2004) (para. 6), the communiqué issued jointly by the Government of the Sudan and the Secretary-General on 3 July 2004 (S/2004/635, annex) and the DPA of 5 May 2006

Category IV	Actions intended to exacerbate tensions between ethnic, tribal, political and other groups in Darfur
Category V	Provision of support (financial, military, logistical, other) to Janjaweed and armed militia groups and other parties that are engaging in ongoing hostilities
Category VI	Hostile acts committed against AMIS troops, Civilian Police or AU Ceasefire Commission and UNMIS personnel; other acts intended to impede or frustrate AMIS/UNMIS/CFC operations in pursuit of their mandate
Category VII	Failure of parties to the conflict in Darfur to enforce accountability among combatants or other persons under their control for violations of international humanitarian or human rights law
Category VIII	Failure by the Government of the Sudan and other States to fully implement resolutions of the Security Council concerning the situation in Darfur
Category IX	A. Cross-border incursions by armed forces of States or State-supported armed groups into Darfur or other parts of the Sudan B. Incursions by parties to the N'Djamena Ceasefire Agreement; the DPA and other belligerents operating in Darfur into Chad or other States bordering western Sudan
Category X	Consistent, wilful and systematic violations of the Darfur Peace Agreement of 5 May 2006, by the parties to this Agreement, as far as they constitute a threat or impediment to peace in the region
Category XI	Acts which force the non-signatories to sign the DPA
Category XII	Acts which force the non-signatories to refrain from signing, including spreading mis-information and false propaganda

Annex III

Selected list of security incidents and attacks in Darfur — 13 April to 20 August 2006

Date	*Place*	*Province/State*	*Description*
13 April 2006	N'Djamena	Chad	Attack by Chadian rebels supported by the Government of the Sudan
13 April 2006	Karamje Village	Southern Darfur	Attack by approximately 300 heavily armed men on camels, horses and on foot. The attackers came from the villages of Banjerdid, Barkassi and Sheria, which were under the administrative control of Nazir Tijani of Nitega
18-20 April 2006	South and Southwest of Tawilla	Northern Darfur	SLM/A (M) attack on SLM/A (AW) positions
24 April 2006	Joghana village, Gereida area	Nyala, Southern Darfur	Attack by Government of the Sudan soldiers and armed militias in civilian clothes traveling on horseback
23 May 2006	Bir Maza and Muzbat areas	Northern Darfur	Fighting by SLM/A (M) and Suleiman Jamous factions
26-27 May 2006	Zalingei	Southern Darfur	Peaceful demonstrations by internally displaced persons against the Darfur Peace Agreement in Hassaheissa and Hamadiya camps in Zalingei and increased violence in Kalma camp (Nyala)
27 May 2006	Masteri	Western Darfur	Attack on the AMIS camp by 50 to 60 unidentified men
29-30 May 2006	Nyala	Southern Darfur	Demonstration by internally displaced persons against the Darfur Peace Agreement in Otash camp
5 June 2006	Gantora	Northern Darfur	Attack by the Arab Rizeigat tribe on the Arab Habbaniya tribe
11-13 June 2006	Kulkul	Northern Darfur	Attack by SLM/A (M) on SLM/A (AW) controlled village
13 June 2006	Korma	Northern Darfur	SLM/A (AW) attacked and retook Korma from the SLM/A (M) factor
20 June 2006	Thabit, Khazzan Tunjur, Sheiria area	Northern and Southern Darfur	Tribal clashes between Fur and Zaghawa armed elements; destruction and burning of Zaghawa houses

Date	*Place*	*Province/State*	*Description*
2 July 2006	Dadi (Tawila area)	Northern Darfur	Attack by Zaghawa herdsmen and SLM/A (M) combatants on camels and horses with four machine gun mounted Land Cruisers; seven killed, nine abducted and unknown number of livestock stolen
3 July 2006	Hamrat El-Sheikh	North Kordofan	Attack on Government of the Sudan locations and civilians by JEM/National Redemption Front armed forces
4-5 July 2006	Around Obe, El-Gereida	Chad	Fighting between Tama and Goran tribes
5 July 2006	Villages of Al-Aradeb, Ashara and Faiga	Southern Darfur	SLM/A (M) attack villages under the control of SLM/A (AW)
5-9 July 2006	Korma area	(70 km north of El-Fasher)	SLM/A (M) attack, supported by the Sudanese armed forces and Janjaweed;
	Villages of Dalil, Hillat Hashab, Oste, Umm, Kiteira, Diker, Malbonj, Magdum and Jafafil	Northern Darfur	71 fatalities, 103 injured and 39 raped
6 July 2006	Taya village (Shangil Tobaya area)	Northern Darfur	Attack by suspected Janjaweed from Mellem
6 July 2006	Tukuma village, Gereida, East of Donkey Dereissa	Southern Darfur	Janjaweed attacked and stole livestock (Gereida Deputy Head reported large gathering of Janjaweed in Tuwel and Raj Joghana village with the intention of attacking Gereida
6 July 2006	Tabra, Kalma, Kounda and Tina in the area of Tawila	Northern Darfur	Attack launched by SLM/A (M) and Zaghawa nomads against the villages controlled by SLM/A (AW); about 650 new internally displaced persons, mostly women and children, arrived at the Zam Zam camp fleeing the fighting; the internally displaced persons alleged that the SLM/A (M) faction was indiscriminately killing, raping and abducting Fur civilians;

Date	Place	Province/State	Description
			all the new internally displaced persons belong to the Fur tribe and fled from 21 villages
6 July 2006	Between Abdul Shakur (N14°26'32; 92" E24°32'00; 65") and Anabegi	Northern Darfur	An AMIS convoy escorting two fuel tankers to Anabegi was hijacked by unknown armed militias; the escort patrol was disarmed and the diesel tankers with four AMIS vehicles were taken, leaving the patrol with one vehicle to return to base
7 July 2006	Martall (N13°19' 37" N024°46'16")	Northern Darfur	Attack by Zaghawa herdsmen backed by SLM/A (M) combatants
8 July 2006	Birmaza and Khashaba	Northern Darfur	Attack by SLM/A (M) on SLM/A (AW); seven people were killed and 8 injured; control of Umm Sidr taken from G19 by SLM/A (M) supported by the Sudanese armed forces; although GOS used Antonov and 2 attack helicopters, National Redemption Front/JEM captured undisclosed number of GOS troops. GOS troops were reported to be advancing towards Kulkul a National Redemption Front /JEM held area
9 July 2006	Djenge and Kulkul	North of El-Fasher	Fighting between combined forces of the Government of the Sudan/SLM/A (M) and National Redemption Front/JEM Factions
9 July 2006	Korma, Bandagu, Korougol, Hilla Barti Dekaare, Takbar, west Kartame and Bilda	Northern Darfur	Attack led by SLM/A (M) forces against SLM/A (AW) faction; SLM/A (M) forces accused of rape and murder — 55 casualties reported (Case denied by Minnawi)
10 July 2006	Saraf Omra & Birket Omra	Western Darfur	Hijacking of one Oxfam staff member on 3 May led to closure of two of its offices
14 July 2006	El-Geneina	Western Darfur	Crash-landing of Government of the Sudan Antonov carrying arms and ammunitions at Geneina airport
19 July 2006	Between Mershing and Nyala	Western Darfur	ACT-Caritas driver killed

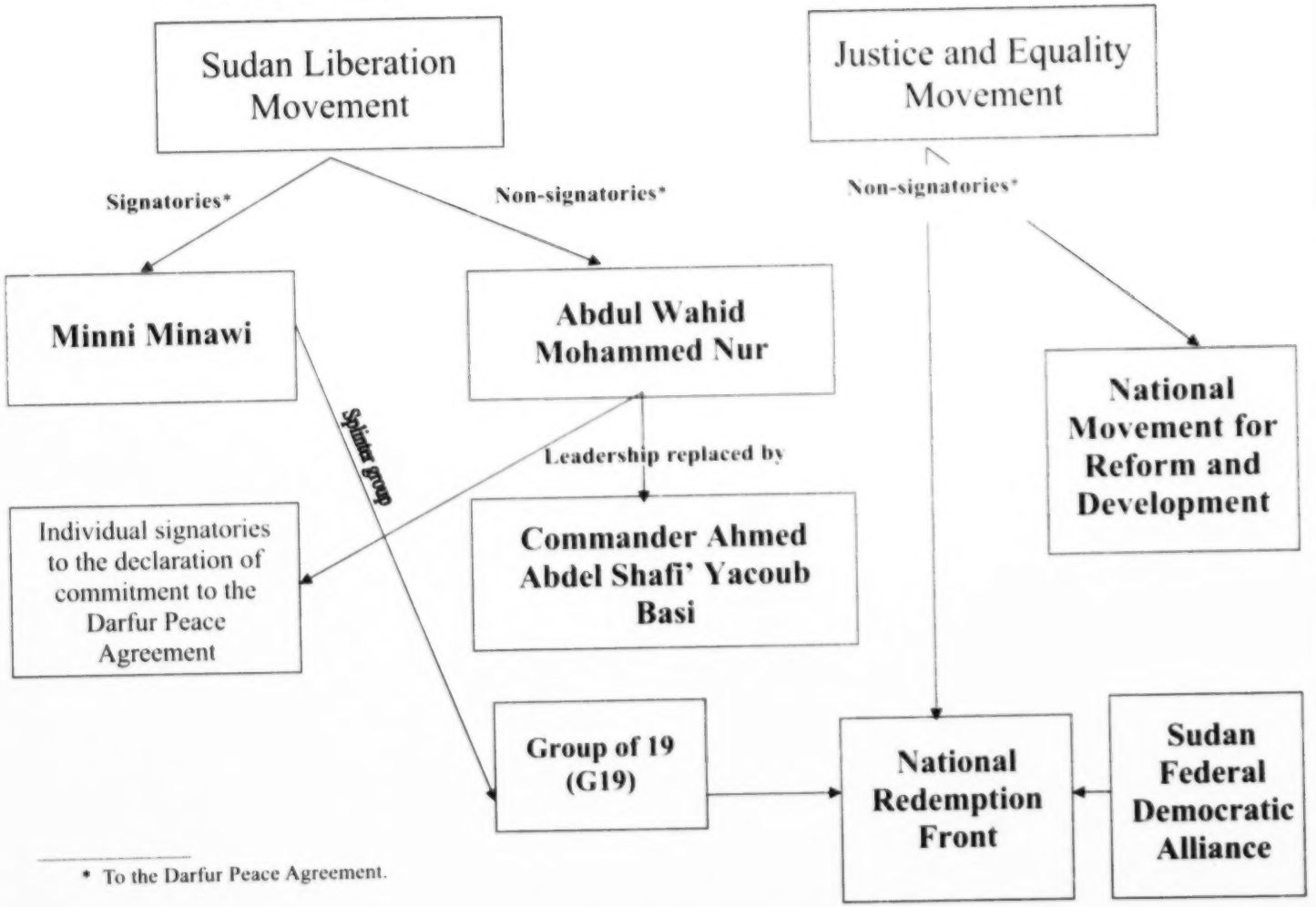
Date	*Place*	*Province/State*	*Description*
20 July 2006	Zalingei	Western Darfur	The killing of three Water and Environment Sanitation employees in Hassaheissa camp under the assumption that they were poisoning water
26 July 2006	Jebel Moon and Kulbus area	Northern & Western Darfur	Combined offensive by the Sudanese armed forces and 1,000 Janjaweed militias, regrouped by Musa Hilal, against JEM
31 July 2006	Gimmeza, Bobai and Krekir villages	On north Kafod (Northern Darfur)	Bombing by an Antonov aircraft;
	Kulkul & Hashaba village		bombing continued the next day
6 August 2006	Seyah (30 km north of Mellit)	Northern Darfur	A Government of the Sudan Antonov was allegedly shot down by the National Redemption Front
7 August 2006	El-Fasher	Northern Darfur	A Government of the Sudan Antonov aircraft crash-lands at El-Fasher airport after unconfirmed bombing missions
19 August 2006	Kuma	Northern Darfur	Attack of AMIS fuel convoy by an unknown group of assailants; two AMIS soldiers killed

Annex IV

Photograph of Musa Hilal, leader of the Janjaweed

Annex V

Rebel groups in Darfur



* To the Darfur Peace Agreement.